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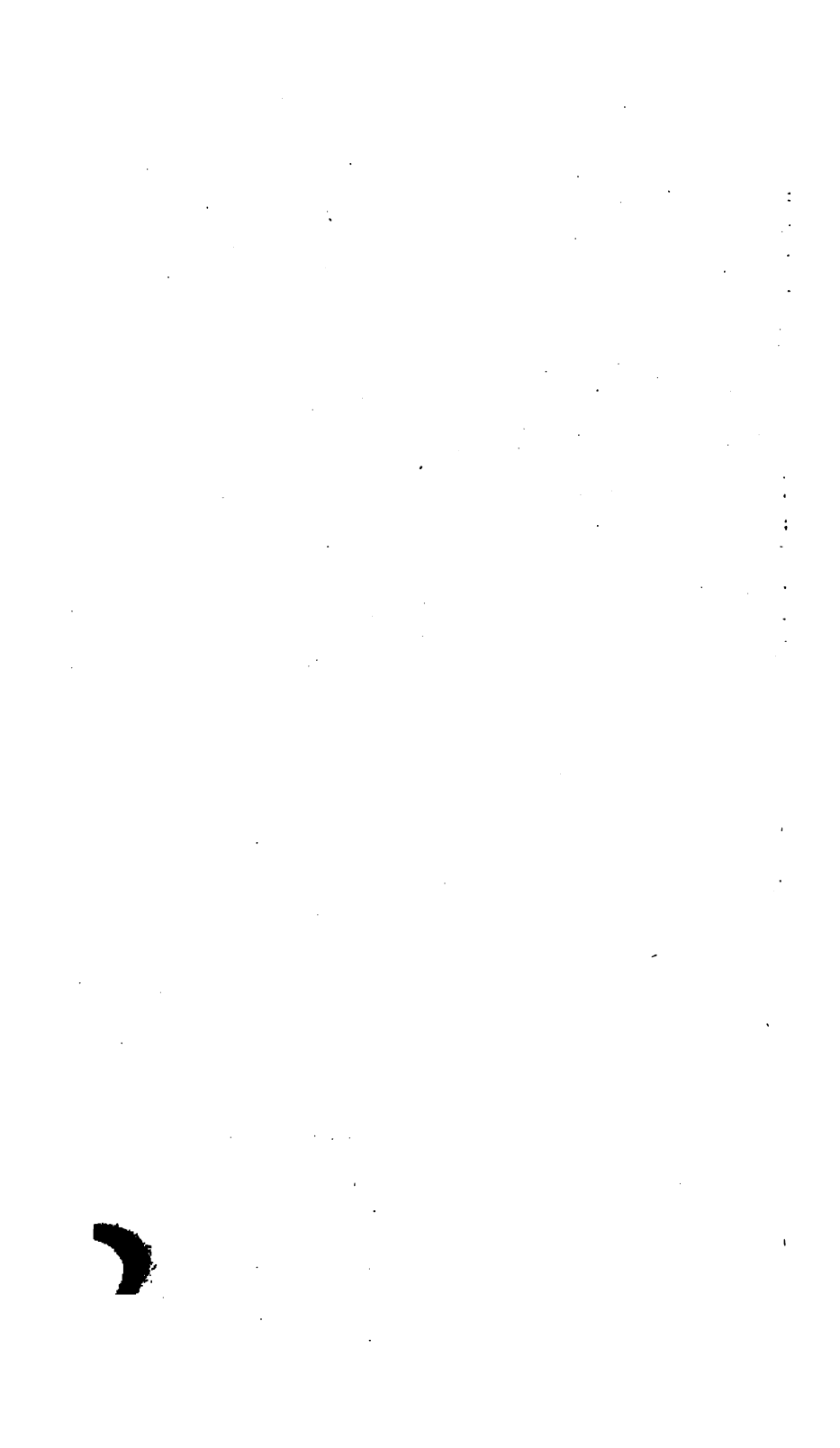
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ILLINOIS ELECTIONS  
MANUAL



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Illinois' Statutes.

# Manual of Election Laws of Illinois

WITH  
FULL NOTES AND INTERPRETATIONS  
ARRANGED ALPHABETICALLY  
BY SUBJECTS.

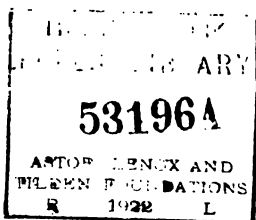
BY

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INDIANAPOLIS

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## PREFACE

The preparation of this book was undertaken with a view of making information on elections quickly accessible to election officials. Every election law known as such and election provisions embodied in other laws are here summarized and placed under a practical classification. All of the Supreme and Appellate court decisions have been carefully studied and the important points taken for use in this manual.

The aim has been to present to election officials, election workers and those interested in public affairs a comprehensive and yet concise statement of the law on elections in Illinois.

At present the only means available to an election officer to gain a workable knowledge of election matters is through the perusal of tedious and complicated laws. At no time have adjudicated election cases been placed before him in a convenient form.

It is hoped that the subject of elections as here presented will prove of practical value and that a liberal use of the book will justify the effort.

In order to make the Manual more useful and complete and for the reason that appointive office has assumed great importance in State Government, both elective and statutory appointive offices are here included.

JOHN LEWSON

Springfield,  
February 14, 1922.



# ILLINOIS ELECTION MANUAL

ABSENT VOTERS, see COUNTY CLERK.

ABSTRACT OF VOTES, see CANVASSING RETURNS.

ACTIONS, see OFFENSES AND PENALTIES.

ADJUTANT GENERAL, THE

**Appointment.** The principal acting officer of the state militia and the naval reserve is the adjutant general, who is ex officio chief of staff, inspector general, quartermaster general, commissary general, paymaster general and chief of ordnance and is appointed by the Governor, the commander in chief. (Hurd's Stat. 1919, ch. 129, pars. 13, 37, 57, 61, 104.)

**Note.** The state militia is organized under the naval and military code in harmony with federal laws and regulations. It authorizes the appointment of a Governor's staff of four aids not above the grade of colonel and six aids below that grade, the appointment of three staff officers consisting of the adjutant general, a surgeon general and a judge advocate general, and the establishment of a national guard with eight departments and two corps as follows: An adjutant general's department, an inspector general's department, a quartermaster's department, a subsistence department, a medical department, a paymaster's department, an ordnance department, a judge advocate's department, a corps of engineers and a signal corps; the adjutant general's department to consist of the adjutant

general, one colonel, one lieutenant colonel and three majors; the inspector general's department to be composed of an inspector general (the adjutant general ex officio), one colonel and one lieutenant colonel; the quartermaster's department to be made up of a quartermaster general (the adjutant general ex officio), one colonel, one lieutenant colonel, three majors, a captain and not to exceed six sergeants; the subsistence department to consist of a commissary general (the adjutant general ex officio), one lieutenant colonel, three majors and four sergeants; the ordinance department to consist of a chief of ordnance (the adjutant general ex officio), one colonel, one lieutenant colonel, three majors, a captain and such number of sergeants as may be necessary; the judge advocate's department to be made up of a colonel and a lieutenant colonel; the medical department to consist of a medical corps, a hospital corps and a medical reserve corps under the supervision of a surgeon general; the engineers' corps to consist of a lieutenant colonel and such officers of engineer's troops as may be authorized; and the signal corps to be composed of a lieutenant colonel, a captain, three first lieutenants and a number of non-commissioned officers.

The chief administrative officer of the state militia in time of peace is the adjutant general. All of the officers are appointed in substantially the same manner as the adjutant general, for the same term of office, except the Governor's staff officers, who hold office only during the incumbency of the Governor.

The naval reserve is organized as a ship's crew, consisting of a captain, a commander, a lieutenant commander, two lieutenants and staff officers. (Hurd's Stat. 1919, ch. 129, pars. 1, 2, 11, 13, 22, 29, 37, 57, 61, 65, 67, 71, 74, 77, 80 et seq.; Const. 1870, art. 12.)

**Qualification.** An applicant for the adjutant general must possess not less than five years' military training and experience as an officer, at least

three of which must have been in line. (Hurd's Stat. 1919, ch. 129, par. 15.)

**Term of office.** The adjutant general holds office during good behavior until he has reached the age of sixty-four years, unless sooner retired by resignation, disability, or for cause determined by a court martial. (Hurd's Stat. 1919, ch. 129, par. 104.)

**Vacancy.** A vacancy in the office of the adjutant general is filled by appointment from the existing staff of officers of the state militia. (Hurd's Stat. 1919, ch. 129, par. 104.)

#### ADMINISTRATIVE AUDITOR,

Appointment and term of office, see Governor, civil administrative officers.

#### AGRICULTURAL ADVISORS,

Appointment and term of office, see Governor, civil administrative officers.

**Members.** The board of agricultural advisors is composed of fifteen persons. (Hurd's Stat. 1919, ch. 24½, par. 6.)

**Qualification.** Only persons who are engaged in agricultural industries, including representatives of the agricultural press and of the state agricultural experiment station, are eligible for appointment as agricultural advisors. (Hurd's Stat. 1919, ch. 24½, par. 7.)



## AGRICULTURAL DIRECTOR AND ASSISTANT,

Appointment and term of office, see Governor, civil administrative officers.

## ALDERMAN,

**Election.** Aldermen are elected at the general city election. (Hurd's Stat. 1919, ch. 24, pars. 48, 298, 492.)

The act of May 17, 1921 (Laws 1921, p. 176) extending the term of alderman in the city of Chicago is of questionable validity.

The city council is judge of the election and qualification of its own members. (Hurd's Stat. 1919, ch. 24, par. 34.)

**Nominating petition, signatures, filing.** Half of one per cent of a candidate's party's qualified electors' signatures in his ward is necessary to a nominating petition for the office of alderman; which petition is filed with the city clerk between twenty and thirty days previous to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Note.** In computing the time within which an act required by law is to be done, exclude the first day and the last day, if Sunday, and include the last day if not Sunday. (Hurd's Stat. 1919, ch. 131, par. 1, cl. 11.)

**Nomination.** In all cities candidates for alderman are nominated at a primary. (Hurd's Stat. 1919, ch. 46, par. 452.)

**Number of aldermen.** Cities not under minority representation have

- 6 aldermen, if under 3,000 inhabitants;
- 8 aldermen, if over 3,000 to 5,000 inhabitants;
- 10 aldermen, if over 5,000 to 10,000 inhabitants;
- 14 aldermen, if over 10,000 to 30,000 inhabitants;
- 14 aldermen and two additional for every 20,000 inhabitants if over 30,000 to 350,000;
- 48 aldermen if over 350,000 and two additional in case of every annexation of territory containing three or more square miles or 15,000 to 25,000 inhabitants.

Cities under minority representation are entitled to three aldermen for each district.

After the first election and classification of aldermen by lot, one-half of the aldermen is elected each year. (Hurd's Stat. 1919, ch. 24, pars. 30, 52, 54.)

**Qualification.** A candidate for alderman must be a resident of the ward for which election is sought, must be a qualified elector, must not be in arrears for taxes or other liability due the city, must not have been convicted of malfeasance, bribery or other corrupt practices or crimes, must not be directly or indirectly interested in any contract with the city, individually or as a member of a firm, and must not hold any other office under the city government. (Hurd's Stat. 1919, ch. 24, pars. 33, 80; ch. 102, par. 2.)

**Residence.** An actual and not merely a constructive residence in the ward is a necessary qualifica-

tion for the office of alderman. *People v. Ballhorn* (1902), 100 Ill. App. 571, 573.

**Term of office.** A person elected alderman holds office for a term of two years and until his successor is elected and qualified. (Hurd's Stat. ch. 24, pars. 31, 492.)

**Vacancy.** In cities not under minority representation, a vacancy in the office of alderman is filled by special election. In cities under minority representation, the vacancy is filled by election at a time designated by the city council. (Hurd's Stat. 1919, ch. 24, pars. 32, 54.)

The office of alderman becomes vacant upon a removal of his residence to a ward other than the one in which he was elected, although with an intention of returning. *People v. Ballhorn* (1902), 100 Ill. App. 571, 573.

#### ANIMAL INDUSTRY SUPERINTENDENT,

Appointment and term of office, see Governor, civil administrative officers.

#### APPELLATE COURT CLERK,

**Election.** Appellate court clerks in each of the appellate court districts will be elected at the fall election of 1926 and every six years thereafter. (Hurd's Stat. 1919, ch. 37, par. 20.)

**Nominating petition, signers, filing.** The signatures of one-half of one per cent of the primary

electors of a candidate's party are necessary to his nominating petition for clerk of the appellate court; which petition is filed in the office of the secretary of state not more than sixty nor less than forty days before the date of primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Clerks of the appellate courts are nominated at a primary. (Hurd's Stat. 1919, ch. 46, par. 452.)

**Number of clerks.** The state is divided into four appellate court districts with a clerk in each district. (Hurd's Stat. 1919, ch. 37, par. 20.)

**Term of office.** Clerks of the appellate court are elected for a term of six years. (Hurd's Stat. 1919, ch. 37, par. 20.)

Vacancy, see Vacancies, clerks of courts.

## APPELLATE COURT DISTRICTS,

The four appellate court districts of the State are composed as follows:

**First.** Cook county.

**Second.** Boone, Bureau, Carroll, DeKalb, DuPage, Grundy, Henderson, Henry, Iroquois, JoDaviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, McHenry, Marshall, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Warren, Whiteside, Will, Winnebago and Woodford counties.

**Third.** Adams, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford, Fulton, Greene, Hancock, Jersey, Logan, McDonough, McLean, Macon, Macoupin, Mason, Menard, Montgomery, Morgan, Moultrie, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazewell and Vermilion counties.

**Fourth.** Alexander, Bond, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Madison, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Union, Wabash, Washington, Wayne, White and Williamson counties. (Hurd's Stat. 1919, ch. 37, par. 18.)

#### APPELLATE COURT JUDGES.

On or before or at the June term of 1924 the Supreme Court will assign twelve circuit judges to the different appellate court districts and circuit and superior court judges to the branch appellate courts for a term of three years from the first Monday of June of that year.

In addition to the foregoing, the Supreme Court for a like term may assign three circuit or superior court judges to a branch appellate court whenever the number of cases in a district exceeds two hundred and fifty and the appellate court justices certify to that fact to the Supreme Court, requesting the assignment of additional judges. (Hurd's Stat.

1919, ch. 37, pars. 35b, 35c, 35h, 35j, 35k.)

Under the foregoing authority there are now appellate court judges in this state.

APPORTIONMENT, see SENATORIAL.

ASSESSOR, see TOWNSHIP ASSESSOR.

ATTORNEY GENERAL,

Contest, see Election contest, state officers.

**Election.** An attorney general will be elected in the fall of 1924 and quadrennially thereafter. (Hurd's Stat. 1919, ch. 46, par. 7; Const. 1870, art. 5, §3.)

**Nominating petition, signatures, filing.** A nominating petition for the office of attorney general must have not less than one nor more than two thousand of his party's primary electors' signatures and be filed in the office of the secretary of state not more than sixty nor less than forty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for attorney general are nominated at a primary. (Hurd's Stat. 1919, ch. 46, par. 452.)

**Objections to nominations.** The attorney general with the secretary of state and the auditor of public accounts pass upon the objections to nomina-

tions for state officers. (Hurd's Stat. 1919, ch. 46, par. 297.)

**Qualification.** A candidate for the office of attorney general when elected is ineligible during his term for any other office and must reside at the seat of government. (Const. 1870, art. 5, §§ 1, 5.)

**State canvassing board.** The attorney general is ex officio a member of the state canvassing board. (Hurd's Stat. 1919, ch. 46, par. 78.)

**Vacancy.** A vacancy in the office of attorney general is filled by appointment by the Governor, the appointee holding his office until the remainder of the term and the election and qualification of a successor. (Hurd's Stat. 1919, ch. 46, par. 128; Const. 1870, art. 5, § 20.)

**Voting machine commissioners.** In case of a vacancy in the office of secretary of state and until the vacancy is filled, the attorney general becomes and is a member of the board of voting machine commissioners. (Hurd's Stat. 1919, ch. 46, par. 432.)

#### AUDITOR OF COOK COUNTY,

**Appointment.** In Cook county, the president of the county board, by and with the advice and consent of the board, appoints an auditor. (Hurd's Stat. 1919, ch. 34, par. 63a.)

**Term of office.** As the statute fails to fix a definite term of office for the auditor of Cook county,

the appointment may be made to depend upon the pleasure of the county board and not later than the expiration of the term of its president and the election and qualification of a successor.

## AUDITOR OF PUBLIC ACCOUNTS,

Contest, see Election contest, state officers.

**Election.** At the fall election of 1924 and every four years thereafter, an auditor of public accounts will be elected. (Hurd's Stat. 1919, ch. 46, par. 7.)

**Nominating petition, signatures, filing.** A nominating petition for the office of auditor of public accounts must have not less than one nor more than two thousand of his party's primary electors' signatures and be filed in the office of the secretary of state not more than sixty nor less than forty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for auditor of public accounts are nominated at a primary. (Hurd's Stat. 1919, ch. 46, par. 452.)

**Objections to nominations.** The auditor of public accounts with the attorney general and the secretary of state pass upon objections to nominations for state officers. (Hurd's Stat. 1919, ch. 46, par. 297.)

**Qualification.** A candidate for the office of auditor of public accounts when elected is ineligible



during his term for any other office and must reside at the seat of government. (Const. 1870, art. 5, §§ 1, 5.)

**State canvassing board.** The auditor of public accounts is ex officio member of the state canvassing board. (Hurd's Stat. 1919, ch. 46, par. 78.)

**Vacancy.** The office of auditor of public accounts becomes vacant if bond is not given or oath is not taken within ten days after having been declared elected, or if additional bond is not furnished within twenty days of receipt of notice from the Governor to give such bond and the Governor deems it best that the office be declared vacant on that account. (Hurd's Stat. 1919, ch. 15, par. 4.)

A vacancy in the office of the auditor of public accounts if filled by appointment by the Governor, the appointee holds his office until the remainder of the term and the election and qualification of a successor. (Hurd's Stat. 1919, ch. 46, par. 128; Const. 1870, art. 5, § 20.)

AUSTRALIAN BALLOT LAW, see BALLOT LAW.

BALLOT, see OFFICIAL BALLOT,

BALLOT BOXES, see ELECTION SUPPLIES, also VOTING.

BOARD OF ASSESSORS,

**Election.** In counties of 125,000 or more inhab-

itants, every two years at the regular county election for county officers there is elected an assessor or two assessors as members of a board of assessors consisting of five persons. (Hurd's Stat. 1919, ch. 120, par. 297.)

Cook county is the only county that has a board of assessors. Ordinarily two members are elected at each election, maintaining the same proportion of city and county members. *People v. Sweitzer* (1914), 266 Ill. 89, 92.

**Nominating petition, signatures, filing.** In counties of 125,000 or more inhabitants, the signatures of half of one per cent of a candidate's party's vote cast at the last preceding general election in the county are necessary to a nominating petition for the office of member of the board of assessors; which petition is filed with the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Members of the county board of assessors are nominated at a primary.

In awarding the nomination to a member of the board of assessors, that candidate must be declared nominated who resides in the territory wherein the vacancy exists and who has received a majority of the votes cast for candidates from that territory. *People v. Sweitzer* (1914), 266 Ill. 89.

**Qualification.** Not more than four of the members of the board of assessors can be residents of any one city. (Hurd's Stat. 1919, ch. 120, par. 297.)

**Term of office.** A person elected member of the board of assessors must qualify within ten days after the completion of the canvass of the votes and holds office for a term of six years, commencing on the first day of January after election until his successor is elected and qualified. (Hurd's Stat. 1919, ch. 120, par. 297.)

**Vacancy.** A vacancy in the office of member of the board of assessors is filled by appointment by the remaining members until the next regular county election. (Hurd's Stat. 1919, ch. 120, par. 297.)

#### BOARD OF EDUCATION,

**Appointment.** In cities containing less than 45,000 inhabitants and where members of the city council are ex officio members of a board of education, the mayor by and with the advice and consent of the city council appoints one person from each ward and one from the city at large as members of its board of education, who, with the other member whose term has not expired, constitute the board of education of the district. (Hurd's Stat. 1919, ch. 122, pars. 309, 310.)

In cities of 45,000 or more inhabitants constituting a school district and having a board of education of eleven members, the mayor by and with the advice and consent of the city council annually, at its first regular meeting, appoints five persons as members

and every other year a person as president of said board. (Hurd's Stat. 1919, ch. 122, par. 310.)

In cities having a population of more than 100,000 inhabitants and constituting one school district, before the first day of May the mayor with the approval of the city council appoints two or three members of a board of education consisting of eleven persons. (Hurd's Stat. 1919, ch. 122, par. 128.)

**Election.** On the second Saturday in April annually in school districts having not less than 1,000 nor more than 100,000 inhabitants and not governed by special act there are elected a president and two or more members of a board of education consisting of six members and three for every additional 10,000 inhabitants, but not to exceed fifteen members. (Hurd's Stat. 1919, ch. 122, pars. 103, 106 as amended, 123, 125.)

The number of members may be limited to nine by referendum vote taken upon the proposition submitted at a school election or at a special election called for the purpose in pursuance of a petition therefor addressed to the board of education and signed by at least five per cent of the voters of the district as ascertained by the vote cast at the last preceding school election. (Hurd's Stat. 1919, ch. 122, par. 123, as amended.)

In cities, incorporated towns, townships or districts of not less than 1,000 nor more than 25,000 inhabitants in which free schools are managed

under special charter and that have adopted a board of education system of government, members of such board are elected at the same time and manner as similar boards are elected in districts not governed by special act. (Hurd's Stat. 1919, ch. 122, par. 351.)

School districts existing by virtue of a special charter, wholly or partially within a city, village or incorporated town having over 35,000 inhabitants, have a board of education consisting of seven members, one or two of whom are elected on the first Tuesday of April annually, in the same manner as in school districts having a population of not less than 1,000 nor more than 100,000 inhabitants. (Hurd's Stat. 1919, ch. 122, par. 354a.)

In cities or villages whose members of the board of education are elected under special charter and in all school districts in which the time for election is fixed by special charter, members of the board of education are elected at the time specified by the general school laws. (Hurd's Stat. 1919, ch. 122, pars. 348, 479, 480.)

Annually on the third Saturday there is elected a president and every other year on the same date there are elected two members of the board of education consisting of seven members in school districts organized under special laws which do not make provision for the election of boards of education. (Hurd's Stat. 1919, ch. 122, par. 427.)

**Nominating petition, filing.** Candidates for presi-

dent or member of a board of education in a school district of not less than 1,000 nor more than 100,000 inhabitants and not governed by special act, are nominated by petition signed by not to exceed fifty or at least ten per cent of the legal voters of the district, filed with the secretary of the board at least twenty days before election. (Hurd's Stat. 1919, ch. 122, par. 126.)

. Candidates for member of a board of education in a school district existing by virtue of a special charter and lying wholly or partially within a city, village or incorporated town of over 35,000 inhabitants that has adopted the City Election Law, are nominated by petition under the Ballot Law as in case of candidates for town offices in counties under township organization, addressed to and filed in the office of the board of education, and certified by said board to the election commissioners. (Hurd's Stat. 1919, ch. 122, par. 354a.)

**Nominating petition, rejection, notice, appeal.** In a school district having not less than 1,000 nor more than 100,000 inhabitants and not governed by special act, upon the rejection of a nominating petition the secretary of the board of education notifies the petitioner verbally or by mail not later than eighteen days before election, stating the cause of the rejection; whereupon, the petitioner within fifteen days prior to the election must file with the county superintendent of schools a written statement, requesting him to review the decision. The county superintend-

ent of schools makes and transmits his decision to the secretary of the board within ten days of the election. (Hurd's Stat. 1919, ch. 122, par. 126.)

**Qualification.** A candidate for appointment as member of the board of education in cities having a population exceeding 100,000 inhabitants must be at least thirty years of age, a citizen of the United States, and must have resided in the city for at least five years immediately preceding his or her appointment. (Hurd's Stat. 1919, ch. 122, par. 128.)

**Term of office.** In a school district having a population of not less than 1,000 nor more than 100,000 inhabitants and not governed by special act, the president is elected for a term of one year. (Hurd's Stat. 1919, ch. 122, par. 125.)

No term is fixed by statute for members of the board.

In cities of 45,000 or more population constituting a school district, members of the board of education hold office for a term of two years. (Hurd's Stat. 1919, ch. 122, par. 310.)

A person appointed a member of the board of education in cities having a population exceeding 100,000 inhabitants must qualify within thirty days after appointment and holds office for a term of five years from the first day of May of the year in which he or she is appointed. (Hurd's Stat. 1919, ch. 122, par. 128.)

**Vacancy.** A vacancy in the office of member of the board of education in cities of 45,000 or more

population constituting a school district, is filled as in case of original appointment for the unexpired term. (Hurd's Stat. 1919, ch. 122, par. 310.)

A vacancy occurring in the membership of a board of education in cities having a population exceeding 100,000 inhabitants is filled by the mayor with the approval of the city council for the unexpired term.

Permanent removal from the city by a member of the board of education creates a vacancy in the board. (Hurd's Stat. 1919, ch. 122, par. 128.)

#### BOARD OF HEALTH,

In territory not within the limits of an incorporated city or village in counties not under township organization, the board of county commissioners, and in counties under township organization the supervisor, assessor and town clerk of every town, constitute the board of health. (Hurd's Stat. 1919, ch. 34, par. 116.)

#### BOARD OF REGISTRATION,

Under the General Election Law, the judges or inspectors of election constitute the board of registry in their respective towns, cities, wards, districts or precincts.

In municipalities having election commissioners, each board of registration consists of the judges of election in the precinct. (Hurd's Stat. 1919, ch. 46, pars. 135, 195.)



**Compensation.** In making and completing the registry, members of the board of registration are entitled to \$4 per day for not to exceed two days, except in precincts requiring attendance until 9 o'clock P. M. for second registration, when the per diem fee that day is \$5.

The compensation of the members of the board of registration is certified to by the county clerk and laid before the county board at its next session after the receipt of the general or special election returns. (Hurd's Stat. 1919, ch. 46, pars. 75, 145, as amended.)

**Vacancy.** Vacancies in the board of registration are filled in the same way as vacancies at elections. The judge or judges present on the day of registration fill any vacancy in the board occurring on that day by selecting a person of the same political party as the absent member; the temporary incumbent vacates his office whenever the regular judge returns. (Hurd's Stat. 1919, ch. 46, pars. 146, 225.)

#### BOARD OF REVIEW,

**Appointment.** In counties under township organization of less than 125,000 inhabitants, the county judge on or before the first of July annually in every odd-numbered year appoints a member of the board of review. (Hurd's Stat. 1919, ch. 120, par. 324.)

**Clerk.** In counties under township organization of less than 125,000 inhabitants and in counties not

under township organization, the board of review by a majority vote annually selects its clerk. (Hurd's Stat. 1919, ch. 120, pars. 325, 326.)

No provision is made by statute for the appointment or election of clerk in counties under township organization of 125,000 inhabitants and over.

**Election.** In counties under township organization of 125,000 inhabitants or over, one member of the board of review is elected at every regular county election to succeed the one whose term will expire that year. (Hurd's Stat. 1919, ch. 120, par. 326.)

**Members.** In counties under township organization the board of review consists of three members. In counties of less than 125,000 inhabitants, the chairman of the board of supervisors is one of the members and one member is appointed in every odd-numbered year; in counties of 125,000 inhabitants and over, a member is elected at every regular county election.

In counties not under township organization the county board performs the duties of the board of review. (Hurd's Stat. 1919, ch. 120, pars. 324, 325, 326.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general election in the county are necessary to a nominating petition for the office of member of the board of

review; which petition is filed with the county clerk between sixty and forty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for member of board of review are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Qualification.** In counties under township organization of less than 125,000 inhabitants, an applicant for member of board of review must be a citizen of the county and belong to either political party polling the highest or next highest vote at the general election in the county previous to appointment, it being necessary that the appointive members be from the two dominant political parties; in counties under township organization of 125,000 inhabitants or over, the person elected member of the board of review must hold no other lucrative public office or public employment. (Hurd's Stat. 1919, ch. 120, pars. 324, 326.)

**Term of office.** In counties under township organization of 125,000 inhabitants and over, the term of office of member of the board of review commences with January 1 after election and is six years, the member qualifying within ten days after the completion of the canvass of the votes; in counties under township organization of less than 125,000 inhabitants, the term is two years from date of appointment. (Hurd's Stat. 1919, ch. 120, pars. 324, 326.)

**Vacancy.** In case of vacancy in the board of review, the county judge appoints a citizen of the county to fill the vacancy for the unexpired term in counties under township organization of less than 125,000 inhabitants; he appoints a person to fill such vacancy until a successor has been elected and has qualified in counties under township organization of 125,000 inhabitants and over. (Hurd's Stat. 1919, ch. 120, pars. 324, 326.)

#### BUDGET SUPERINTENDENT,

Appointment and term of office, see Governor, civil administrative officers.

CAMP ELECTION, see CANVASSING VOTES, ELECTION SUPPLIES, JUDGES OF ELECTION, POLLING PLACES, POLLS and VOTING.

#### CANVASSERS,

**Appointment as official canvassers.** Under the City Election Law, the two clerks of election constitute and are appointed as the official canvassers of a precinct.

In case of temporary disability of either canvasser or clerk, a temporary clerk or canvasser is appointed by the judge who belongs to the same political party to act until the disability be removed. (Hurd's Stat. 1919, ch. 46, pars. 201, 203.)

**Appointment by political party.** Twenty or thirty-one days before an election, each political party in a municipality under the City Election Law may, in writing signed by its recognized chairman or presiding officers of the managing committee, designate a canvasser for each election precinct to ascertain the names and addresses of the legal voters therein residing. (Hurd's Stat. 1919, ch. 46, par. 192.)

**Canvassing.** On the twentieth and twenty-first day preceding a regular election in case of intermediate registrations, or on Wednesday and Thursday following the second registration day in case of first or general registrations, both canvassers call at each dwelling place or house in the precinct indicated upon the verification list, specially inquire concerning all persons who have been registered as qualified voters, and check-mark or cross the name of any person who does not reside at the place designated.

One of the canvassers may make the canvass alone if the other refuses or neglects to join in making it.

A previous canvass is unnecessary before a special election to fill a single office or for all judicial elections at which no other than judicial officers are elected. (Hurd's Stat. 1919, ch. 46, pars. 201, 203, 212, 221.)

**Certificate of authority, issuance.** The person designated as canvasser receives from the chief clerk of the board of election commissioners a cer-

tificate authorizing him to conduct a canvass of the precinct; which authority is sufficient evidence of the right to make the canvass. (Hurd's Stat. 1919, ch. 46, par. 192.)

**Police protection.** Whenever necessary, the canvassers of a precinct may demand of the police superintendent, captain, lieutenant or other person in authority to furnish a policeman to accompany and protect them in their duties. (Hurd's Stat. 1919, ch. 46, par. 201.)

**Postage.** If no postage for suspect notices be furnished by the election commissioners, anyone or the canvassers themselves may supply the postage stamps and render a sworn account therefor to the election commissioners, who must audit and pay it. (Hurd's Stat. 1919, ch. 46, par. 202.)

**Suspect list, verification, filing.** One or both canvassers must make out a list, in duplicate, of names of parties to whom and where suspect notices have been mailed, served or left, verified by affidavit stating that the notices were duly stamped and mailed to each of the parties at the places designated on the list on or prior to twelve o'clock noon of Friday following the canvass, and that a similar notice was also personally served or left at the address given; which duplicate is filed with the election commissioners on or before six o'clock in the afternoon on Friday following the canvass. (Hurd's Stat. 1919, ch. 46, par. 203.)

**Suspect notice, mailing and serving.** Any one or both of the canvassers are required to sign and mail a suspect notice, postage prepaid, immediately upon completion of the canvass, whether regular or intermediate, but not later than twelve o'clock noon Friday of the week of the canvass, to all persons crossed or check-marked on the verification list, requiring them to appear before the board of registry or election commissioners at a stated time and show cause why their names should not be erased from the register.

In cities of more than two hundred thousand inhabitants, the statutory appearance day is fixed as Saturday following the date of the notice, but no meeting can be held on Saturday night succeeding an intermediate canvass; in cities of less than two hundred thousand population, the statutory appearance day is Monday or Tuesday following the date of the notice, between the hours of eight in the morning and ten o'clock in the afternoon.

In addition to the foregoing, one of the canvassers, at the time the canvass is made or before the following Saturday, is required to personally serve the suspect party if found with a similar notice, or leave the notice at the place designated on the register and verification list if the party be not found. (Hurd's Stat. 1919, ch. 46, pars. 202, 212, 215.)

See Offenses and penalties, refusal to answer, etc.

## CANVASSING RETURNS,

**Abstract of votes, certified copy, filing.** A certified copy of the result or abstract of the returns as recorded in the county court is filed with the county clerk. (Hurd's Stat. 1919, ch. 46, par. 249.)

**Abstracts of votes, number.** The county canvassing board and in cities having election commissioners, the city canvassing board make separate abstracts of votes for the following officers and propositions: Governor and Lieutenant Governor, the other state officers (secretary of state, auditor of public accounts, state treasurer, attorney general and superintendent of public instruction), presidential electors, United States senators and representatives to Congress, judges of the Supreme Court, clerk of the Supreme Court, clerk of the appellate court, judges of the circuit court, senators and representatives in the General Assembly, trustees of the University of Illinois, amendments to the Constitution and other propositions submitted to the electors of the entire state, county officers (state's attorney, sheriff, coroner, county judge, county clerk, recorder, county treasurer, county auditor, surveyor, county superintendent of schools and county commissioners), city officers, town officers, and propositions submitted to the electors of the county. (Hurd's Stat. 1919, ch. 46, pars. 71, 248.)

**Abstract of votes, preparation.** In making the abstract of votes, a canvassing board confines itself



to the returns and substance and disregards informalities. *People v. Ruyle* (1879), 91 Ill. 525, 529.

**Abstracts of votes, transmission.** Under the General Election Law, immediately after the abstracts of votes are completed, the county clerk makes two copies of the abstracts of votes for Governor and Lieutenant Governor and of the other state officers, envelopes and seals them in two envelopes, endorses upon the envelope "Abstracts of Votes for State Officers from ..... County," addresses one to "The Speaker of the House of Representatives" and the other to "The Secretary of State." At the same time the county clerk also makes copies of each of the other abstracts of votes, envelopes, seals, endorses so as to show their contents, and addresses them to the secretary of state or other proper officer. All packages are then placed in one envelope, addressed to the secretary of state and transmitted by mail, or if necessary, by special messenger. (Hurd's Stat. 1919, ch. 46, pars. 76, 77, 249.

The envelope addressed to "The Speaker of the House of Representatives" is retained by the secretary of state until the General Assembly has convened and a speaker has been elected; when the secretary of state, at the proper time, delivers it to the speaker-elect.

**Adoption of City Election Law, canvassing board.** The county judge and two well-known electors of integrity and character, one who voted for

and one who voted against the proposition, constitute the canvassing board who canvass the returns on the question of adoption of the City Election Law. (Hurd's Stat. 1919, ch. 46, par. 164.)

**Adoption of City Election Law, place and time of canvass.** On the sixth day after the election, in the county court, in public, the canvassing board canvasses the returns and votes cast for and against the question of adoption of the City Election Law. (Hurd's Stat. 1919, ch. 46, par. 164.)

**Adoption of City Election Law, procedure, recount.** In case doubt exists in any precinct as to the actual vote cast on the proposition of the adoption of the City Election Law, or in case inaccuracy in the returns of the judges of election be claimed and two persons who were present at the canvass of the votes by the judges of election make application for a recount under oath that they believe the returns of the precinct are not correct, the canvassing board, upon demand made by the county judge for and receipt of ballots from the county clerk, hears evidence of any person present at such precinct canvass, recounts the ballots, announces and declares the result for and against the proposition in the precinct, which determination is conclusive.

In case the actual vote cast for or against the proposition of adoption of the City Election Law is not questioned nor inaccuracy in the count claimed, the canvassing board receive the envelopes con-

taining the returns and tally sheets, open them and ascertain and announce the result for and against the proposition in the precinct.

After a recount the ballots are restrung and replaced in their envelopes, endorsed across their face over the signature of the county judge "Opened by the county judge," and returned to the county clerk. The returns and tally sheets are also returned to the officer from whom they were received, to be kept for six months and then destroyed if there be no contest.

Upon completion of the canvass of all the precincts, the board adds the total number of votes and declares the total result.

The county court thereupon enters an order reciting the number of votes cast for and against the proposition; and if a greater number of votes were cast for the proposition than against it, the order declares the adoption of the City Election Law. A copy of this order is then filed in the office of the secretary of state, thereby making the said act effective and binding in all future city, village or town elections. (Hurd's Stat. 1919, ch. 46, par. 164.)

**Canvass commencement.** The county canvassing board commences its canvass within seven days following an election. (Hurd's Stat. 1919, ch. 46, pars. 71, 248.)

**Canvassing board, evidence.** A canvassing board can act only upon the particular form of evidence specified in the statute and can receive no other

proof than the list of voters with the statutory certificate and tally sheets. *Lawrence County v. Schmaulhausen* (1887), 123 Ill. 321, 331.

**Canvassing board, functus officio.** A canvassing board does not lose jurisdiction or become functus officio so long as its work is unfinished; and when it has refused to permit the authentication of returns upon a proper and timely application for it, its labors will be regarded as incomplete. *People v. Nordheim* (1881), 99 Ill. 553, 564.

**Canvassing board, jurisdiction.** A canvassing board is a ministerial body and has no power to pass upon the qualifications of voters or determine the validity of statutes. *Wells v. Robertson* (1917), 277 Ill. 534, 539.

**Canvassing board, reconvening.** A canvassing board has no power or authority to reconvene after it has once canvassed the returns and declared the result of an election. *People v. Sweitzer* (1917), 280 Ill. 436, 459.

**Canvassing board, scope of authority.** The officers who receive and canvass the returns can not pass upon the qualification of voters or the legality of ballots, but can only declare the result as shown by the certificate of the judges and clerks of election. *People v. Kilduff* (1854), 15 Ill. 493, 501.

**Certificate of election, constable.** A constable receives a certificate of election, but no commission. (Hurd's Stat. 1919, ch. 79, par. 12.)

**Certificate of election, nature.** A certificate of election issued by the county clerk to a successful candidate is prima facie evidence of the result of the election until the canvass is set aside in a proceeding instituted by the defeated candidate and a certificate issued to him. *People v. Head* (1861), 25 Ill. 325, 328.

**Certificate of election, tie.** The person having the highest number of votes for any county, town, city or aldermanic office receives, upon application, a certificate of election from the county clerk.

In case of a tie vote, the county clerk issues certificate of election to the persons declared elected when the tie is determined. (Hurd's Stat. 1919, ch. 46, pars. 72, 74, 250, 251.)

**Certificate of election, town officers.** Within ten days after the annual town meeting, the town clerk transmits to each person elected to a town office a certificate or notice of his election. (Hurd's Stat. 1919, ch. 139, par. 72.)

**Certificate of nomination.** This consists of the caption of the primary poll book, the entries made therein by the primary judges, and their certificate. (Hurd's Stat. 1919, ch. 46, par. 504.)

**Certificate of nomination, filing.** Unless notice of contest has been filed with the canvassing board, each board upon completion of the canvass and

proclamation of the result of the primary makes and executes a certificate of nomination, stating therein the name and the office of each candidate, committeeman and delegate nominated or elected as shown by the returns, and in case of delegates to a national nominating convention, also showing the name of the candidate for President and Vice President of the United States.

In case of notice of contest, the certificate of nomination is withheld until a certified copy of the decree or order of court hearing the contest is filed with the canvassing board.

For state, congressional, senatorial, judicial offices, city offices and offices in a division or district greater than a county, certificates of nomination are filed with the secretary of state at least thirty days previous to election day.

For county offices, certificates of nomination are filed with the county clerk at least thirty days prior to election day.

For city, village and incorporated towns and town offices in counties under township organization, certificates of nomination are filed with the city, town or village clerk at least fifteen days, and in cities of 500,000 or more population, twenty-five days, previous to election day. (Hurd's Stat. 1919, ch. 46, pars. 294, 508, 510a.)



Given under our hands this.....day of  
.....A. D. 19.....

.....  
.....  
of.....Illinois,      of.....Illinois,  
Secretary of the Con-      Chairman of the Con-  
vention.                      vention.

State of Illinois }  
..... County, } ss.

Personally appeared before me this.....  
day of.....A. D. 19.....,  
and....., whose names are  
subscribed to the above certificate, who, being duly  
sworn, on their oaths say that they severally sub-  
scribed the same as chairman and secretary, respec-  
tively, of the convention aforesaid, and that the  
same is true to the best of their knowledge and  
belief.

[SEAL]

Notary public.

(Hurd's Stat. 1919, ch. 46, par. 293.)

**Certificate of nomination, inspection.** Certificates  
of nomination are open to inspection under reason-  
able regulations and are preserved for six months.  
(Hurd's Stat. 1919, ch. 46, par. 295.)



**Certificate of nomination, issuance.** Within one day of the filing of the certificate of the result of a primary election, the secretary of state or the proper clerk issues a certificate of nomination to each of the candidates nominated or elected. (Hurd's Stat. 1919, ch. 46, par. 508.)

**Certificate of nomination, requirements.** Certificates of nomination contain the name of the candidate; his place of residence, giving street and number, if any; the office for which he is nominated; the party or political principle which he represents, expressed in not more than five words; and if the certificate of nomination is to fill a vacancy, it also contains the name of the original nominee, the date of his death or declination of the nomination or the fact that a former nomination has been held insufficient and the measures taken to fill the vacancy; the signatures of presiding officers and the secretary of the convention, caucus or meeting and their places of residence; which certificate is sworn to by the permanent chairman and secretary of the convention as true to the best of their knowledge and belief. (Hurd's Stat. 1919, ch. 46, pars. 291, 293, 296, 510a.)

**Chicago and Cicero.** The county judge, the state's attorney and the board of election commissioners canvass the returns in the city of Chicago and the town of Cicero.

**City office.** The city council examine and canvass the returns of an election for a city office and

cause a statement thereof to be entered upon its journal. (Hurd's Stat. 1919, ch. 24, par. 57.)

**Contest.** In case of notice of contest, the canvassing board finishes the canvass of the returns as corrected by decree and makes proclamation accordingly within one day after receiving a certified copy of the decree or order. (Hurd's Stat. 1919, ch. 46, par. 508.)

**County canvassing board.** Within seven days after an election, the county canvassing board make abstracts of the votes and canvass the returns. (Hurd's Stat. 1919, ch. 46, par. 71.)

**County seat election canvassing board.** On or before the first Tuesday after a county seat election has been held, the county clerk, one justice of the peace residing at the place to which it is proposed to remove the county seat and one justice of the peace residing at the county seat, or if there be no such justices then any two justices of the peace of the county selected by the county clerk, open and canvass the votes and returns of the election, spread the result thereof upon the records of the county court in counties not under township organization and on the records of the board of supervisors in counties under township organization, and certify the same to the secretary of state. (Hurd's Stat. 1919, ch. 34, par. 104.)

**Declaration of result, withholding.** A person who has been duly elected to public office cannot be

prevented from assuming its duties, or from being inducted therein, by the election board withholding or neglecting to declare the result of a canvass. *People v. Kilduff* (1854), 15 Ill. 493, 502.

**Fraud.** Tallies are opened and examined by the city canvassing board only when fraud or change is discovered in the returns. (Hurd's Stat. 1919, ch. 46, par. 253.)

**Irregular return.** If instead of returning the tally sheets and list of voters in an envelope they are sealed up with the ballots, the county clerk should in the presence of two responsible members of the different political parties break the seal, canvass the returns and immediately reseal the bag without disturbing the ballots. (1917-18 Atty. Gen. Rep. 314.)

**Investigation.** In case of doubt as to the genuineness of the returns, the actual vote as originally returned, and uncertainty as to the truth of the returns, any person or persons who were present at the time of the proclamation made by the judges of election in the precinct may be examined upon oath by the city canvassing board touching the matter. (Hurd's Stat. 1919, ch. 46, par. 253.)

**Legislative primary,** see County canvassing board, also election commissioners.

**Member board of education.** In an election in a school district existing by virtue of a special charter

and lying wholly or partially within a city, village or incorporated town of over 35,000 inhabitants, that has adopted the City Election Law, the returns certified and returned by the board of election commissioners, as well as the returns certified from the polling places, are canvassed by the same canvassing board as canvasses other returns of the municipality. (Hurd's Stat. 1919, ch. 122, par. 354a.)

**Notice of contest, primary.** In case of contesting a primary, a notice of the contest must be filed with the proper canvassing board ten days after the completion of the canvass; whereupon, the canvassing board withholds its certificate of the result of the canvass until a certified copy of the decree or order is filed with it. (Hurd's Stat. 1919, ch. 46, par. 508.)

**Proclamation by the Governor, form.** Upon canvassing the returns in a judicial election, the Governor makes and publishes a proclamation as follows:

Proclamation of Judicial Election.

State of Illinois,  
Executive Department.

Whereas, on the.....day of.....  
an election was held in the State of Illinois for the  
election of the following officers, to wit:

One judge of the Supreme Court of Illinois from  
.....Supreme Court District;

One judge of the Superior Court of Cook County;  
(enumerate such other judges as were elected);

CANVASSING RETURNS.

Whereas, in pursuance of law the State officers appointed to canvass the returns of such election and to declare the result thereof, did, in my presence, on the.....day of.....19....., canvass the same, and as a result of such canvass did declare elected the following named persons to the following named offices, respectively :

For judge of the Supreme Court of Illinois,  
.....Supreme Court District :

.....  
For judge of the Superior Court of Cook County :

.....  
For judges of the Circuit Court of Cook County :

.....  
For judges of the Circuit Courts outside of Cook County :

First Circuit :

.....  
Second Circuit :

.....  
etc.

IN TESTIMONY WHEREOF I hereunto set my hand and cause to be affixed the great Seal of State.

Done at the Capitol, in the city of Springfield,  
 this.....day of.....19.....,  
 and of the independence of the United States one  
 hundred and forty.....

.....  
 Governor.

By the Governor

.....  
 Secretary of State.

**Proclamation, state-wide question.** Proclamation is made by the Governor declaring result of canvass of votes upon propositions submitted to the electors of the entire state. (Hurd's Stat. 1919, ch. 46, par. 78.)

**Proposition.** A statute which authorizes the canvassing of returns of an election impliedly permits the canvassing of returns upon a proposition. *People v. Green*, (1914), 265 Ill. 39, 41.

**Result or abstract, recording.** The city canvassing board adds up the returns and declares the result of every election within its jurisdiction; which result is entered of record in the county court.

This board also declares the result of the vote in a precinct in which the genuineness of the returns has been questioned and there has been an investigation. (Hurd's Stat. 1919, ch. 46, pars. 248, 253.)

**Returns, authentication, amendment.** So called returns of a precinct that are not authenticated in accordance with statute are void and should not be

recognized as returns, but they are capable of amendment if an offer to amend be made before all of the returns are canvassed and the result declared. *People v. Nordheim* (1881), 99 Ill. 553, 562.

An officer who administers the oath to election clerks and judges, but who fails to attach his signature to the jurat, may be permitted to complete it when the returns are before the canvassing board. *People v. Hilliard* (1862), 29 Ill. 413, 424.

**Returns, custody, sale.** The returns are carefully preserved for six months or until a contest, if any, is finally determined, when they are removed from the original packages, ground and sold with all reserved and unused ballots to the highest bidder for cash and the proceeds deposited with the treasurer of the authority who paid for the printing of the ballots. (Hurd's Stat. 1919, ch. 46, pars. 59, 314.)

**Returns, validity.** Canvassers have neither the right nor the power to decide upon the validity of the returns, or to reject any of them if they show the whole number of votes given, the names of the persons voted for and the number of votes given for each, and are duly authenticated. The failure to prefix to the poll book a proper oath of the election clerks or judges is no valid reason for rejecting a return. *People v. Hilliard* (1862), 29 Ill. 413, 422.

**Road district, tie vote.** Within five days after the election, the highway commissioner, a justice of the peace selected by him and the district clerk canvass

the returns and declare the result of the election, which is then entered at large in the minutes of the proceedings kept by the clerk of election and read by him to the electors present. In case of a tie, the question is decided by lot by the district clerk upon at least five days' notice to each party of the time and place of drawing lots. (Road and Bridge Act, § 45.)

**School trustees election.** Within five days after an election for school trustee, the trustees of schools meet and canvass the returns from each precinct, make out a certificate showing the number of votes cast for each person in every precinct and in the whole township and file the certificate with the county superintendent of schools. (Hurd's Stat. 1919, ch. 122, par. 29.)

**State canvassing board, tie vote.** As soon as the returns have been received and within twenty days after an election, the state canvassing board consisting of the secretary of state, the auditor of public accounts, the state treasurer and the attorney general, or any two of them, in the presence of the Governor, canvass the votes cast and declare elected the person who has received the highest number of votes or the person who has been by lot determined to be entitled to the office if several persons have received an equal and highest number of votes for United States senator, representative to Congress, Supreme Court judges, clerk of the Supreme Court, circuit court judges, state senators, representatives



in the General Assembly, trustees of the university of Illinois and upon amendments to the Constitution and propositions submitted to the electors of the entire state. (Hurd's Stat. 1919, ch. 46, par. 78.)

**Subpoenas.** Upon request of the city canvassing board, the county court may issue subpoenas to persons who were present at the time of the proclamation made by the judges of election to appear at an investigation of the returns of a precinct which are questioned as to genuineness or correctness. (Hurd's Stat. 1919, ch. 46, par. 253.)

**Tallies.** In cities having election commissioners, tallies are not opened unless change or fraud is discovered in the returns. (Hurd's Stat. 1919, ch. 46, par. 253.)

**Village office.** The returns of an election for a village office are examined and canvassed by the village board, who cause a statement thereof to be entered upon their journal. (Hurd's Stat. 1919, ch. 24, par. 57.)

**War ballots.** The county canvassing board counts all war ballots and may reject for cause any ballot; it makes abstracts of the votes in the same manner as other similar abstracts are made, and sends them to the secretary of state to be canvassed. (Hurd's Stat. 1919, ch. 46, par. 580.)

See City canvassing board.

## CANVASSING VOTES.

**Absent voters' ballots.** Death of an absent voter prior to opening the polls on election day, annuls his ballot; and upon proof of this fact, the judges of election reject the ballot. (Hurd's Stat. 1919, ch. 46, par. 565.)

The absent voters' ballots are cast by the judges of election at the close of regular balloting. The outer or carrier envelope is first opened, the voter's name is announced and his signature upon the application is compared with the signature upon the affidavit on the ballot envelope. If the affidavit has been regularly executed, the signatures correspond and the applicant has not appeared and voted, the envelope containing the absent voter's ballot is opened so as not to mark or tear the affidavit or the ballot, the ballot is taken out without unfolding it, and after endorsing the ballot in the same manner as other ballots are initialed, it is deposited in the ballot box; whereupon the absent voter's name is entered in the poll book.

An absent voter's envelope is not opened and is returned marked "Rejected" when the affidavit or certificate is insufficient, the signatures do not correspond, the applicant is not a qualified voter, the ballot envelope is open or has been resealed, the envelope contains more than the proper number of ballots, or the voter was present and had voted at the election. (Hurd's Stat. 1919, ch. 46, par. 563.)

**Absent voters' ballots, challenging.** The vote of an absent voter may be challenged for cause the same as if he were present and voting. If the challenge is sustained, the judges of election notify the voter regarding the challenge by mail addressed to his place of residence. (Hurd's Stat. 1919, ch. 46, par. 564.)

**Adjournment.** The canvass cannot be adjourned or postponed until it has been fully completed and the several statements or returns have been made out and signed. (Hurd's Stat. 1919, ch. 46, pars. 57, 237, 500.)

**Adoption of City Election Law, canvassing.** The votes cast at an election submitting a proposition for the adoption of the City Election Law are counted and canvassed before the names of candidates, in the following manner:

First, one of the judges, the two other judges sitting on either side of him, separates all of the ballots cast in the precinct into three piles, those for the affirmative, those for the negative, and those for neither the affirmative nor negative of the proposition.

Second, the first pile one of the judges counts in batches of ten, passes them to the next judge, who also counts and passes the ballots to the third judge, who likewise counts them and announces the result, which is entered on the tally sheet and again announced by the tally clerk before entering upon the second and subsequent batch.

• **Third**, the second pile is disposed of in the same way.

Fourth, the judges thereupon announce the result of the election in the precinct.

Fifth, no count is made or kept of the third pile. (Hurd's Stat. 1919, ch. 46, par. 160.)

**Adoption of City Election Law, special watchers, qualification and appointment.** Two electors of the ward who voted in favor of, and two who voted against, the question of adoption of the City Election Law, on request, may be appointed special watchers of, and be admitted at, the canvass of votes cast upon such proposition. These watchers are entitled to a position where they can plainly see and read each ballot counted. (Hurd's Stat. 1919, ch. 46, par. 163.)

**Affidavits, filing.** Affidavits of unregistered voters are filed in the office of the town or city clerk, or if there be no such clerk, with the judges or inspectors of election of the proper district. (Hurd's Stat. 1919, ch. 46, par. 141.)

**Affidavits, return.** All affidavits and supporting affidavits made before primary judges must be returned by them with the poll books. (Hurd's Stat. 1919, ch. 46, par. 496.)

**Annual town meeting, tie.** In case of a tie between two or more persons receiving an equal number of votes for the same office, the question is decided between them by lot, under the direction of

the town clerk, upon notice given them of the time and place of drawing lots. (Hurd's Stat. 1919, ch. 139, par. 71.)

**Assessors.** The person residing outside of a city and receiving the highest number of votes is nominated assessor of a board which consists of five assessors of whom four are nominated in the city. (Hurd's Stat. 1919, ch. 46, par. 509b.)

**Assisted voter, rejection of ballot.** The vote of a person who has been assisted in preparing his ballot without first making oath that he is physically or otherwise unable to prepare it should be rejected. *McCreery v. Burnsmier* (1920), 293 Ill. 43, 51.

**Blank ballots.** Blank ballots found among the votes cast at an election should be disregarded in determining its result. (1917-18 Atty. Gen. Rep. 296.)

**Camp election.** On closing the polls at a camp election, the judges publicly destroy all official envelopes and ballots not voted or used, publicly open the ballot boxes, count and ascertain the number of voters voting and number in consecutive order each voter whose name is recorded in the poll book as having voted, beginning with the first name entered therein. If the envelopes found in the ballot boxes are more than the number of envelopes shown by the poll book, the judges compare the names upon the envelopes with the names recorded in the poll book and destroy, without opening, all envelopes

found in the ballot box purporting to have been deposited therein by a voter whose name is not duly entered in the poll book. The count is then completed without an adjournment or postponement and the judges fill out and sign a certificate upon the poll book as to the correctness of the count, publicly announcing the number of votes cast. As soon as possible thereafter, without opening the envelopes containing the ballots, they are enclosed with the poll book in a package sealed and forwarded to the secretary of state at Springfield. (Hurd's Stat. 1919, ch. 46, pars. 578, 579.)

**Canvassing at election.** Directly after closing the polls, the ballot box is unlocked, the ballots are sorted into those containing propositions and those having the names of candidates. Two or more ballots folded together, as if cast by the same person, are not counted, but returned in the same condition as when found.

The whole number of the ballots containing the names of candidates is first counted and if it exceeds the number of names entered on the poll lists, the ballots are replaced in the ballot box, closed and well shaken and one of the judges draws out and destroys as many ballots as equal the excess.

The ballots containing the names of candidates are again separated into straight and split or scratched tickets. The judges then count by fives or tens and announce the vote to the clerks who enter in the proper column and tally the number of

votes received by each set of candidates upon straight tickets. After this split or scratched tickets are counted, announced, entered in the proper column and tallied for each candidate.

The clerks then compare the result, verify it, make up the totals, enter them in the proper column and announce to the judges the total number of votes received by each candidate; whereupon a judge of election proclaims in a loud voice the total number of votes received by each person and the office for which he is designated.

In canvassing propositions or public measures submitted to a vote of the people, the ballots are counted by fives or tens and the result announced by the clerks, who tally the same; whereupon the clerks announce to the judges the number of votes for and against the proposition.

Before the judges separate and immediately after proclaiming the result of the election, the counted ballots are folded in two folds, strung upon a strong thread or twine in the order in which they have been read, carefully enveloped in a secure canvas covering and sealed up, directed and returned to the proper officer with the poll books. (Hurd's Stat. 1919, ch. 46, pars. 57, 59, 238, 239, 240, 314, 323b.)

The ends of the wire and the canvas covering should be securely tied in a firm knot and sealed with the official wax impression seal, so that the knot could not be untied without breaking the seal.

**Canvassing at primary.** Immediately upon closing the polls, the primary judges canvass the votes as follows:

1. The ballots of each political party are separated and counted.

2. The number of names entered on the primary poll books for each party is ascertained.

3. If there are more ballots of a political party than the number of persons voting, the ballots are folded, replaced in the ballot box, closed and well shaken, opened and one of the judges blindfolded draws out and destroys the excess number of ballots.

4. The ballots of each political party are counted separately setting down in the primary poll book under the proper headings, the name at length of each candidate voted for, the name of his office, and the total number of votes received.

5. As the primary judge opens and counts the ballots the primary clerk in separate columns provided for that purpose and properly headed, marks upon the tally sheet the votes each candidate has received, which tally sheet is footed up so as to show the total number of votes cast for each candidate.

6. After the regular ballots, but not those which have been marked "defective" or "objected to," have been counted and duly entered on the tally sheet and poll book they are strung upon a strong thread or twine separately for each political party in the order they are read, securely sealed in an envelope and endorsed as follows:



Primary ballots of the.....party of the  
 .....precinct of the county of.....  
 and state of Illinois.

.....  
 .....  
 .....

### Primary Judges.

(Hurd's Stat. 1919, ch. 46, pars. 503, 504, 505.)

**Canvass, nature.** The canvass of the judges of election is merely a count of the ballots when each candidate is credited with the number of votes to which he is entitled. *Graham v. Peters* (1910), 248 Ill. 50, 53.

It is the duty of canvassers to compute the votes cast for the several candidates and declare the result; they have no right to inquire, by outside proof, whether the votes, or any of them, are illegal. *People v. Head* (1861), 25 Ill. 325, 327.

**Canvassing, time and place.** Votes cast at a primary or an election are canvassed at the various polling places by the judges of election immediately after the close of the polls. (Hurd's Stat. 1919, ch. 46, pars. 57, 237, 501.)

**Challengers and watchers, presence.** The challengers and watchers are permitted to be present at a canvass of the votes, so near that they can see that the judges and clerks of election are faithfully performing their duties, and they are not to be molested or removed during the canvass of the ballots nor the

making and completing of the statements except for disorderly conduct. (Hurd's Stat. 1919, ch. 46, par. 237.)

**County seat election.** A majority of the legal voters entitled to vote on the question is necessary to the removal of a county seat to a point nearer to the center of the existing county seat; whereas, three-fifths of such voters are required to the removal of a county seat to a point not nearer to the center than the existing county seat.

Immediately after canvassing the votes of a county seat election, one tally list and one poll book with the ballots cast in the precinct, township or ward, properly strung, the affidavits made at the election and a certificate of the result thereof, are sealed and within four days thereafter by one of the board of election delivered to the county clerk. The other poll book and tally list are retained by one of the judges of election for that township, precinct or ward. (Hurd's Stat. 1919, ch. 34, pars. 101, 105.)

**Defective ballots.** Ballots that contain more marks than there are persons to be elected to an office, or are so marked that it is impossible to determine the voter's choice, or if they have no judge's initials, are regarded as defective and are not counted. (Hurd's Stat. 1919, ch. 46, pars. 313, 502.)

A ballot cannot be counted for any of the candidates for state senator, for senatorial committeeman, or for representative in the General Assembly if, for any reason, it is impossible to determine the pri-

mary elector's choice of the candidate ; nor can a ballot be counted for a candidate for representative if its marking indicates an intention to cast more than three votes for the candidate. (Hurd's Stat. 1919, ch. 46, par. 543.)

Defective and objected to ballots are on the back marked "Defective" or "Objected to," with the statement endorsed showing how they were counted. They are then enclosed in an envelope, sealed securely, marked and endorsed to clearly disclose its contents and are returned to the election officer who has charge of the printing of the ballots to be by him preserved for six months. (Hurd's Stat. 1919, ch. 46, pars. 313, 502.)

**Double ballots.** Under the provision requiring that all of the names of the candidates to be voted for shall be written or printed on the same piece of paper or ballot, neither ballot should be counted where two ballots are folded together, one within the other. *Kreitz v. Behrensmeyer* (1888), 125 Ill. 141, 186.

**Drainage elections, qualification of voter,** see Voting.

**Eligibility of candidates.** Judges of election have no power to pass upon the eligibility of candidates when canvassing the votes. *Edgcomb v. Wylie* (1911), 248 Ill. 602.

**Erasures.** A ballot cannot be counted for a candidate if the voter has attempted to mark out or

obliterate the cross made opposite the candidate's name or in the circle. *Isenburg v. Martin* (1920), 293 Ill. 408, 417.

**Excess ballots.** In canvassing votes under the City Election Law, upon opening the ballot box, all of the ballots are taken out and counted. If any ballots are found folded inside of a ballot, and the number of ballots exceeds the number of names entered on the poll lists, the excess is rejected. So, if there are still more ballots voted than there are names on the poll lists, the ballots are replaced in the ballot box, the box closed, well shaken, again opened, and one of the judges draws out and destroys as many unopened ballots as equal the excess. (*Hurd's Stat.* 1919, ch. 46, par. 238.)

**Fac simile signature.** Ballots which on the back have no fac simile signature of the officer who prepared them are void and should not be counted. *People v. Bushu* (1919), 288 Ill. 277, 280.

**Hard roads, result.** A proposition to build hard roads submitted at an election under *Hurd's Stat.* 1919, ch. 121, pars. 108, 109 and 110, must receive a majority of all the ballots cast at the election and not only upon the proposition. *People v. Cincinnati, Lafayette and Chicago Railway Co.* (1912), 256 Ill. 280, 285.

**Middle initials.** The middle initial letter is regarded as a substantial part of a candidate's name whenever a question of identity arises between two

persons of the same surname. *Behrensmeyer v. Kreitz* (1891), 135 Ill. 591, 620.

**Mutilated ballot.** It is the duty of an elector to return a ballot which is mutilated and to demand a proper ballot. If he fails to do this and votes a mutilated ballot, although in the proper manner, it should not be counted. *Isenburg v. Martin* (1920), 293 Ill. 408, 415.

**Nomination.** The person receiving the highest number of votes for an office is regarded as nominated for that office. (Hurd's Stat. 1919, ch. 46, par. 509.)

**Non-high school election.** After the first election in a non-high school district, the votes are canvassed by the non-high school board and the result is filed with the county clerk. (Hurd's Stat. 1919, ch. 122, par. 93.)

**Picked up ballots.** A ballot found on the floor in the polling place by one of the judges of election after the ballots have been counted and strung cannot be treated as valid without evidence that the ballot was duly deposited in the ballot box. *Grubb v. Turner* (1913), 259 Ill. 436, 446.

Ballots found on the floor of the polling place by an interested person, under circumstances showing that they could not have been in the ballot box, and if added exceed the number of names on the poll book, cannot lawfully be intermingled with the other ballots and counted. *Foley v. Tyler* (1896), 161 Ill. 167, 173.

**Police protection.** The judges of election may station, at the entrance of the polling place, one or more police officers or officers of the peace to exclude disorderly persons and to keep the peace. (Hurd's Stat. 1919, ch. 46, par. 237.)

**Poll books and key, possession and delivery.** After the canvass of the votes and completion of the return, one of the judges of election takes charge of the poll books and the key to the ballot box, delivering the poll books, with the seal unbroken, to the board of election commissioners before twelve o'clock of the day after election and taking a receipt therefor. (Hurd's Stat. 1919, ch. 46, par. 246.)

Or, in cities not under election commissioners, one of the checked poll lists and registers on the day following the canvass is filed with the town or city clerk or with the judges or inspectors of election, if there be no such a clerk; and at the same time returns of election are made, the other checked poll list or register is returned to the county clerk.

With the primary poll books, the judges must return affidavits made by persons who have been challenged. (Hurd's Stat. 1919, ch. 46, pars. 143, 496.)

**Poll books, envelopes.** The canvass having been completed, the poll books are enclosed in an envelope, which is sealed and endorsed the same as in the case of returns. (Hurd's Stat. 1919, ch. 46, par. 245.)

**Poll books, entries.** After certification of the tally sheets, the primary judges set down in the primary poll books, under the proper name of each political party, the name written at full length and office of each candidate voted for committeeman, delegate or alternate delegate to national nominating conventions and the other candidates, and the total number of votes received by each candidate, certifying that the same is true and correct. (Hurd's Stat. 1919, ch. 46, par. 504.)

**Precinct committeeman.** In making official return of a primary, the judges must give the name and address of the committeeman of each political party. (Hurd's Stat. 1919, ch. 46, par. 460.)

**Proclamation.** Upon completion of the canvass and announcement of its result by the clerks, the judges of election proclaim, in a loud voice, the total number of votes received by each candidate in the precinct, the office for which he is a candidate, and the number of votes cast for or against any proposition. (Hurd's Stat. 1919, ch. 46, par. 242.)

**Proposition.** A majority of all of the votes cast at the election, and not merely on the proposition, is necessary where the proposition is submitted at a regular election at which the different ballots are placed in one ballot box and only one set of poll books are kept and a single return is made. *Hysler v. Springfield School District* (1916), 272 Ill. 458, 462.

**Register,** see Poll book.

**Removal of ballots, etc.** Until the canvass is completed and the returns are enveloped and sealed, no ballot box, ballots, poll book or tally sheet can be removed or carried away from the polling place. (Hurd's Stat. 1919, ch. 46, pars. 57, 237, 501.)

**Repeating.** None of the ballots of a person who has voted more than once at an election can be counted, whether he has voted intentionally, ignorantly or by mistake. *Behrensmeyer v. Kreitz* (1891), 135 Ill. 591, 622.

**Representative in General Assembly.** A ballot is counted as one vote for each candidate for representative in the General Assembly when a cross appears in a party circle or in the squares preceding the names of three candidates; it is counted as one and one-half votes for each candidate when a cross appears in the squares preceding the names of two candidates; and it is counted as three votes for a candidate when a cross appears in the square preceding the name of one candidate alone.

A ballot that is so marked as to indicate an intention on the part of the voter to cast more than three votes for candidates for representative in the General Assembly should not be counted for any such candidate. (Hurd's Stat. 1919, ch. 46, pars. 304, 543.)



**First Party**

**Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- J. DOE  
 R. ROE  
 J. SMITH

**Second Party**

**Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- A. JONES  
 W. BLACK  
 D. WHITE

A voter may divide his votes for members of the General Assembly by voting two votes for one candidate and one vote for another, by marking a cross in the square opposite the names of such candidates and indicating by figures placed after their names the number of votes he desires to give to each.

**First Party**

**Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- J. DOE (2)  
 R. ROE (1)  
 J. SMITH

**Second Party**

**Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- A. JONES  
 W. BLACK  
 D. WHITE

A cross in the party circle of a political party and a cross in the square preceding the name of a candidate of that party for representative in the General Assembly should be counted as three votes for the candidate before whose name the cross has been placed in the square, and should not be counted for any other candidates for representative in the General Assembly.



**First Party**

**Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

J. DOE

R. ROE

J. SMITH



**Second Party**

**Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

A. JONES

W. BLACK

D. WHITE

A cross in the party circle of a political party and crosses in the squares preceding the names of three candidates of another political party for the office of representative in the General Assembly, should be counted as one vote for each of the candidates before whose names crosses appear.

**First Party****Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- J. DOE  
 R. ROE  
 J. SMITH

**Second Party****Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- A. JONES  
 W. BLACK  
 D. WHITE

A cross in the party circle of a political party, crosses in the squares preceding the names of two candidates of such political party for the office of representative in the General Assembly and a cross in the square preceding the name of one candidate for such office of another political party, should be counted as one vote for each candidate before whose name such crosses appear.

**First Party****Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- J. DOE  
 R. ROE  
 J. SMITH

**Second Party**

A cross in the party circle of a political party, a cross in the square preceding the name of one candidate for representative in the General Assembly below such party appellation, and crosses preceding the names of two candidates of another political party for such office, should be counted as one vote for each candidate before whose name a cross was placed.



**First Party**

**Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- J. DOE
- R. ROE
- J. SMITH

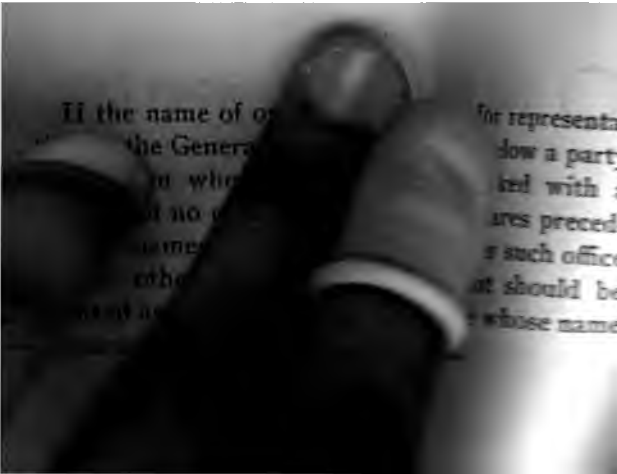


**Second Party**

**Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- A. JONES
- W. BLACK
- D. WHITE



**First Party****Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- J. DOE  
 .....  
 .....

**Second Party****Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- A. JONES  
 W. BLACK  
 D. WHITE

If the names of two candidates for representative in the General Assembly appear beneath a party appellation and a cross in the party circle of such party, and no crosses appear in the squares preceding the names of any other candidates for such office of any other political party, the ballot should be counted as one and one-half votes for each of the candidates whose names appear below such party appellation.

**First Party****Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- J. DOE  
 R. ROE  
 J. SMITH

**Second Party****Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- A. JONES  
 W. BLACK  
 .....

A cross in the party circle of a political party and crosses in the squares preceding the names of two candidates of another political party, should be counted as one and one-half votes for each of the candidates before whose names the crosses were placed and should not be counted for any other candidates for the office of representative in the General Assembly.



**First Party**

**Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- J. DOE  
 R. ROE  
 J. SMITH



**Second Party**

**Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- A. JONES  
 W. BLACK  
 D. WHITE

A cross in the party circle of a political party and a cross in the square preceding the name of one of the candidates for representative in the General Assembly of another political party should be counted as three votes for the candidate whose name was so marked and should not be counted for any of the other candidates for representative.

**First Party****Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

 J. DOE R. ROE J. SMITH**Second Party****Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

 A. JONES W. BLACK D. WHITE

**Result.** The result of an election must be declared in favor of a candidate who has received the highest number of votes cast at the election, although ineligible for the office. (1917-18 Atty. Gen. Rep. 332.)

**Return of City Election Law proposition, requirements, form and delivery.** The returns or statements of votes cast on the proposition of the adoption of the City Election Law and the tally sheets are made in triplicate, signed by the judges of election, attested by the election clerks, enclosed and sealed in envelopes. The returns are endorsed on the outside "City Election returns" from..... precinct; one envelope is addressed to the county judge, another to the clerk of the county court, and the third to the comptroller or other officer who has similar duties. The tally sheets are signed, attested, sealed and enclosed in separate envelopes, en-

A cross in the party circle of a political party and crosses in the squares preceding the names of two candidates of another political party, should be counted as one and one-half votes for each of the candidates before whose names the crosses were placed and should not be counted for any other candidates for the office of representative in the General Assembly.



**First Party**

**Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- J. DOE  
 R. ROE  
 J. SMITH



**Second Party**

**Representatives in the  
General Assembly:**

(Vote for One, Two or Three)

- A. JONES  
 W. BLACK  
 D. WHITE

A cross in the party circle of a political party and a cross in the square preceding the name of one of the candidates for representative in the General Assembly of another political party should be counted as three votes for the candidate whose name was so marked and should not be counted for any of the other candidates for representative.



envelope, if unfastened, could be opened each judge and clerk of election writes his name, and on the outside of the envelope is shown that it contains the statement of votes. One envelope is directed to the county clerk and the other to the city comptroller or officer whose duties correspond to those of comptroller. (Hurd's Stat. 1919, ch. 46, par. 243.)

**Return or statement, requirements.** The return or statement may be written or partly written and partly printed and is made in duplicate. It contains a caption stating the day of the election, the number of the election precinct and ward, city and county, the time of opening and closing the polls, the whole number of votes given for each person, and the office for which the votes were cast. In case a proposition has been submitted to a vote, the statement also shows the whole number of votes cast for or against it. In a statement of more than one sheet of paper, each sheet is signed by all the judges and clerks of election. The judges and clerks certify in writing, as part of the return or statement, that it is correct in all respects. Should a judge or clerk of election decline to sign the return, he must state his reason therefor in writing and enclose a copy thereof with the return. (Hurd's Stat. 1919, ch. 46, par. 243.)

**Return or statements, tally sheets, possession and delivery.** Upon completion of the canvass, each judge who is not in charge of the poll books takes one envelope containing the statement of votes and

each clerk takes one of the envelopes containing the tally sheets and before twelve o'clock of the day after election each judge and clerk delivers his envelope to the respective officers to whom they are addressed, taking a receipt therefor. (Hurd's Stat. 1919, ch. 46, par. 246.)

Within forty-eight hours of the completion of the canvass of votes cast at a primary, the poll books, tally sheets and envelopes containing the ballots are carefully enveloped, sealed, endorsed and delivered to the clerk from whom they were obtained in the first instance, and by whom they are kept for three months. (Hurd's Stat. 1919, ch. 46, par. 506.)

**Returns, omitted headings.** If a printed return or statement contains no heading of a proposition submitted to a vote of the people, it is the duty of the tally clerk to write in one. (Hurd's Stat. 1919, ch. 46, par. 241.)

**Returns, township election, authentication.** A formal certificate of the judges and clerks of election, authenticating their returns, is absolutely necessary to their validity in township elections. *People v. Nordheim* (1881), 99 Ill. 553, 562.

**Returns, when and to whom made.** Immediately after the completion of the canvass and before the returns are sealed up, the judges compare the tally papers, footings and certificates and certify to their correctness as duplicates of each other; and without delay, one of the lists of voters with a certificate

attached thereto and one of the tally papers correctly totaled, in counties under township organization, are sent to the town clerk of the election precinct or district, and in counties not under township organization, the list of voters and tally paper are retained by one of the judges.

Within six hours after completion of the canvass, another of the lists of voters with a certificate and another tally paper correctly totaled are mailed from the nearest post office to the secretary of state in the envelope furnished by him for the purpose.

And within twenty-four hours of the completion of the canvass of the votes, another of the lists of voters with a certificate and a tally paper correctly totaled are sent to the county clerk. (Hurd's Stat. 1919, ch. 46, par. 62.)

A return made on Monday is permissible when the last return day is Sunday. (1917-18 Atty. Gen. Rep. 262.)

**Road district.** The votes cast at a road district election are canvassed in the same manner as at general elections; and within forty-eight hours after the election, the ballots, poll lists and the statement or certificate of the vote are separately sealed up and transmitted to the district clerk for filing and preservation. (Hurd's Stat. 1919, ch. 121, par. 45.)

**School directors election.** In case of a tie in a school directors election, the judges decide the vote by lot on the day of the election; and within ten

days after election they deliver to the township treasurer the poll book with a certificate showing the election of directors and the names of the persons elected. In a district divided by a township line, the poll books are returned to the treasurer who receives the taxes of the district. (Hurd's Stat. 1919, ch. 122, pars. 108, 109.)

**School elections.** In school elections, the school trustees canvass the votes and declare the result of the election. *People v. Dunlap* (1911), 248 Ill. 154, 155.

In a school election in a school district existing by virtue of a special charter and lying wholly or partially within a city, village or incorporated town of over 35,000 inhabitants that has adopted the City Election Law, the votes cast at the polling place or places within such municipality are returned, certified and canvassed as in other cases, but in addition thereto a complete abstract of the vote cast and canvassed is made, certified and returned to the board of election commissioners. (Hurd's Stat. 1919, ch. 122, par. 354a.)

**School trustees election.** Immediately upon the completion of a school trustee election, the judges of each precinct return the ballots and original poll books with a certificate thereon showing the result of the election to the treasurer of the township in which the election is held and within ten days thereafter deliver a copy of such returns to the county

superintendent of schools. (Hurd's Stat. 1919, ch. 122, pars. 29, 30.)

**Sorting ballots.** In cities having election commissioners, ballots which contain a proposition as well as the names of candidates for office are sorted as to the proposition first and separated in three piles, one containing ballots in favor, one containing ballots against, and one containing the ballots not mentioning the proposition or being neither for nor against it. After these piles are canvassed, counted and tallied, the ballots are again placed in three separate piles or files as follows: In one the straight ballots, in another the split tickets, and in the third the scratched ballots. (Hurd's Stat. 1919, ch. 46, pars. 238, 240.)

**Special drainage district commissioner.** Within five days of an election for special drainage district commissioner, the judges of election deliver to the county clerk the poll book of the election, with a certificate showing the name of the person elected special drainage commissioner and his term of office; which poll book is filed by the clerk. (Hurd's Stat. 1919, ch. 42, par. 129.)

**Spoiled and unused ballots, return.** All ballots which have not been voted and all spoiled ballots are returned to the officers who are charged with the printing and distribution of ballots, to be by them preserved for six months. (Hurd's Stat. 1919, ch. 46, par. 313.)

Unused and spoiled ballots on public policy questions are accounted for and returned the same as other spoiled ballots. (1919-20 Atty. Gen. Rep. 157.)

**Spoiled primary ballots, return, receipt.** All ballots which have been spoiled are returned to the proper clerk, his receipt taken therefor, and preserved for three months. (Hurd's Stat. 1919, ch. 46, par. 502.)

**Tally sheets, certification.** As soon as the ballots of a political party have been read and the votes counted, the primary clerks foot up the tally sheets as to all of the candidates and certify the same to be correct. (Hurd's Stat. 1919, ch. 46, par. 504.)

**Tally sheets, entries.** Primary clerks are required to place on the tally sheets of each political party the names of candidates for state central committeemen, precinct or ward committeemen and delegates and alternate delegates to national nominating conventions in the order in which they appear on the ballot. (Hurd's Stat. 1919, ch. 46, par. 479.)

**Tally sheets, envelopes.** Each set of tallies is signed by the election clerks and judges, is enclosed in an envelope, securely sealed and signed in the same manner as envelopes containing returns, and a statement endorsed thereon that it contains tallies. One envelope is directed to the election commissioners and the other to the city, village or town clerk. (Hurd's Stat. 1919, ch. 46, par. 243.)

**Tally sheets, omitted headings.** In case a tally sheet contains no headings of a proposition submitted to a vote of the people, it is the duty of the tally clerk to write in one. (Hurd's Stat. 1919, ch. 46, par. 241.)

**Tie.** In case of a tie in the election of city or village officer, the same is determined by lot in the presence and under the direction of the city council or board of trustees. (Hurd's Stat. 1919, ch. 24, par. 58.)

In a city under the City Election Law the city canvassing board determines by lot who is entitled to a city or other office voted within the city and declares the result in his favor, which result is entered of record in the county court. (Hurd's Stat. 1919, ch. 46, par. 252.)

In a county office, a tie vote is determined by lot by the county clerk and the other canvassers, or in their absence by the state's attorney or sheriff upon notice to the persons involved. (Hurd's Stat. 1919, ch. 46, pars. 73, 74.)

**Tie, present but not voting.** A presiding officer may cast his vote as in case of a tie where a certain number vote for a proposition and an equal number are present but are not voting. *Launtz v. People* (1885), 113 Ill. 137, 144.

**Tie, primary.** In case of a tie vote between two or more persons, or between more than one person for the same office or for committeeman in a pri-

mary, the canvassing board decides the tie upon five days' written notice to the persons affected thereby. (Hurd's Stat. 1919, ch. 46, par. 509.)

Unregistered voters, rejection of ballots, see Election contest, irregularities.

Unused ballots, see Spoiled, etc., ballots.

**Voting machines, ascertaining number of votes, written statements, irregular ballots.** Upon closing the polls, the voting machine is locked against voting and the counting compartment is opened in the presence of all the judges and clerks of election and all other persons who are lawfully within the polling place. The number of votes which the candidates have received, both on the machine and by the voting of irregular ballots, if any, is then ascertained by the election officers one of whom publicly announces in a distinct voice the total vote for each candidate thus ascertained in the order of the offices arranged on the ballot label. The vote on each constitutional amendment, proposition or other question is announced in the same manner. Before leaving the room and closing and locking the counting compartment, the election officers make and sign written statements or returns of the election, which statements or returns are distinctly and clearly read in the presence of all persons present and an ample opportunity is given to compare results so certified with the counter dials of the machine. After comparison and correction, if any, the election officers close the counting compartment and lock the same,



unless the voting machine is supplied with a recording device on which all of the voters registered on the mechanical counters are separately recorded: in which case, such a device is not taken out or examined by the election officers who make the returns. The machine remains locked for at least thirty days unless otherwise ordered by a court of competent jurisdiction. All the keys of the machine are placed on a single piece of flexible wire, the ends of which are united in a firm knot, labeling the same with the make and number of the machine, the precinct at which it was used and returned along with the written statements or returns. The irregular ballots are returned, preserved and finally destroyed as in the case of other election ballots. (Hurd's Stat. 1919, ch. 46, pars. 444, 445, 446, 447.)

**War ballots.** War ballots are canvassed by the secretary of state in the same manner as any other votes. (Hurd's Stat. 1919, ch. 46, par. 580.)

Writing in office and name of candidate, see Voting.

**Written name, contractions and misspelling.** The use of a contraction or of an initial of the Christian name and the misspelling of the last name of a candidate do not invalidate a vote for him, if the intention to vote for that particular candidate is clear. *Constant v. Shockey* (1913), 259 Ill. 496, 500.

Thus, the use of E or Erl for Earl and Constant, Consted or Conson for Constant is a vote for Earl

Constant when no other candidate of that name was running for the office. *Constant v. Shockey* (1913), 259 Ill. 496, 499, 500.

**Written name, middle initial.** The middle initial is an essential part of a name where there is a person in the district of the same last name as that of the candidate, and where such name is plainly written in on the ballot it must be counted for such person although not a candidate. *McCreery v. Burnsmier* (1920), 293 Ill. 43, 50.

**Written name, several tickets.** A candidate whose name does not appear on the ballot is entitled to votes cast for him by electors who write in his name and vote for him under different party appellations. *McCreery v. Burnsmier* (1920), 293 Ill. 43, 53.

See Election contest, irregularities.

CARDS OF INSTRUCTION, see JUDGES OF ELECTION.

CAUCUS, see CONVENTION.

CERTIFICATE OF ELECTION, see CANVAS-SING RETURNS.

CHALLENGERS.

**Appointment by candidate.** A candidate in primary election may appoint in writing over his own signature in each precinct two challengers or

watchers who must be qualified primary electors residing within the ward, senatorial or congressional district. (Hurd's Stat. 1919, ch. 46, par. 472.)

**Appointment by political party.** At least one and no more than two legal voters may be chosen by each political party to act as challengers.

The chairman or presiding officer of the chief managing committee of each political party in a city, village or incorporated town, or in case of his failure to do so, the persons present belonging to, or the judge of election representing, such political party, may designate and authorize, in writing, a person to act as challenger at each place of registration, revision of registration, and voting. Each political party may also designate and appoint a challenger to be placed outside of the polling place. (Hurd's Stat. 1919, ch. 46, par. 64.)

**Removal.** Challengers who have been appointed may be removed by the person or persons who appointed them. (Hurd's Stat. 1919, ch. 46, par. 235.)

#### CHARITIES SUPERINTENDENT,

Appointment and term of office, see Governor, civil administrative officers.

#### CHIEF FACTORY INSPECTOR.

Appointment and term of offices, see Governor, civil administrative officers.

## CHIEF GAME AND FISH WARDEN.

Appointment and term of office, see Governor, civil administrative officers.

## CHIEF GRAIN INSPECTOR,

Appointment and term of office, see Governor, civil administrative officers.

**Qualification.** Being either directly or indirectly interested in any warehouse in the state or being a member of the board of trade disqualifies a person from holding the office of chief grain inspector. (Hurd's Stat. 1919, ch. 24½, par. 7.)

## CHIEF VETERINARIAN,

Appointment and term of office, see Governor, civil administrative officers.

## CIRCUIT CLERK,

As to bond, commission and oath, see Official bond, official oath and commission.

**Election.** At the fall election in 1924 and every four years thereafter, there will be elected a circuit court clerk in each county of the state. (Hurd's Stat. 1919, ch. 46, par. 18; Const. 1870, art. 10, § 8.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general election in the county are necessary to a nominating

petition for the office of circuit court clerk; which petition is filed in the office of the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for clerk of the circuit court are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Number of clerks.** There are one hundred and two circuit court clerks in the state.

**Term of office.** Circuit court clerks are elected for a term of four years, their term commencing on the first Monday in December after election. (Const. 1870, art. 10, § 8.)

**Vacancies, circuit judge.** In case of a vacancy in the office of judge of the circuit court, the clerk of the court notifies the Governor of the existence of the vacancy. (Hurd's Stat. 1919, ch. 46, par. 131.)

Vacancy, see Vacancies, clerks of courts.

CIRCUIT COURT CLERK, see CIRCUIT CLERK.

CIRCUIT JUDGES,

**Election.** The next judicial election for circuit court judges, including Cook county, will be held in June, 1927, and every six years thereafter. (Hurd's Stat. 1919, ch. 37, pars. 71d, 72, 74.)

**Nomination.** Circuit court judges are nominated at a judicial convention or by petition. They may be also nominated by convention and petition as non-partisan candidates.

**Number of judges.** This state is divided into seventeen judicial circuits exclusive of Cook county entitling each circuit to three judges and Cook county to twenty judges, making in all seventy-one circuit court judges. (Hurd's Stat. 1919, ch. 37, pars. 71d, 72, 74.)

**Salary, increase.** For the purpose of determining whether a circuit judge is entitled to an increase in salary, his term commences with the date of election and not when his commission issues or on the date of his qualification. *People v. Sweitzer* (1917), 280 Ill. 436.

**Term of office.** Circuit court judges hold office for a term of six years. (Hurd's Stat. 1919, ch. 37, pars. 71d, 72, 74.)

**Term of office, commencement and ending.** The terms of all circuit judges run from the first day of June of the judicial election year to the first Monday in June six years later and until their successors are elected and qualified. *People v. Sweitzer* (1917), 280 Ill. 436, 450.

**Vacancy.** A vacancy in the office of judge of the circuit court whose unexpired term is less than a year is filled by appointment by the Governor; if

the unexpired term exceeds a year, the vacancy is filled at a special election called by the Governor's writ of election as in case of other vacancies. (Hurd's Stat. 1919, ch. 46, par. 131.)

#### CITY ART COMMISSIONERS,

**Appointment.** One member from either of the professions of painting, sculpture, architecture and landscape gardening and one member not belonging to any of these professions, in cities that have by ordinance created an art commission, are annually appointed by the mayor as art commissioners, who, with four other similarly appointed persons and the mayor, constitute the art commission of the city. (Hurd's Stat. 1919, ch. 24, pars. 633, 634, 635.)

**Term of office.** The term of office of art commissioner is three years. (Hurd's Stat. 1919, ch. 24, par. 635.)

**Vacancy.** A vacancy in the office of art commissioner is filled by appointment by the mayor. (Hurd's Stat. 1919, ch. 24, par. 635.)

#### CITY ATTORNEY,

**Appointment.** In cities under the Cities and Villages Act, a city attorney is appointed by the mayor, by and with the advice and consent of the city council. (Hurd's Stat. 1919, ch. 24, par. 73.)

## CITY CANVASSING BOARD,

In cities having no election commissioners the mayor, the city clerk and an alderman chosen by lot, or in case of a primary the mayor, the city attorney and the city clerk, constitute the city canvassing board.

In cities having election commissioners this board consists of the county judge, the city attorney and the board of election commissioners. (Hurd's Stat. 1919, ch. 46, pars. 248, 297, 507.)

**Presiding officer.** In cities under election commissioners the county judge is the presiding officer of the city canvassing board. (Hurd's Stat. 1919, ch. 46, par. 254.)

**Quorum.** A majority of the city canvassing board constitutes a quorum for the purpose of acting upon returns. (Hurd's Stat. 1919, ch. 46, par. 254.)

## CITY CENTRAL COMMITTEE,

The precinct or ward committeemen of each political party residing within a city, comprise the city central committee. (Hurd's Stat. 1919, ch. 46, par. 460.)

**Aldermen, number.** In cities under minority representation, the city central committee at least thirty days prior to a primary fixes by resolution the number of candidates for aldermen in each ward to be nominated by its party at the primary and



within two days thereafter files in the office of the city clerk a certified and attested copy of the resolution. (Hurd's Stat. 1919, ch. 46, par. 462.)

#### CITY CIVIL SERVICE COMMISSIONERS,

**Appointment.** A city that has adopted the City Civil Service Act has three civil service commissioners, one commissioner being appointed annually by the mayor. (Hurd's Stat. 1919, ch. 24, par. 446.)

**Qualification.** Not more than two members of the civil service commission can be, at the time of appointment, members of the same political party; and none of them can hold any other lucrative office or appointment under the United States, the state or any municipal corporation or political division. (Hurd's Stat. 1919, ch. 24, par. 446.)

**Term of office.** Civil service commissioners are appointed for a term of three years and until a successor is appointed and qualified. (Hurd's Stat. 1919, ch. 24, par. 446.)

**Vacancy.** A vacancy in the office of civil service commissioner is filled by appointment by the mayor. (Hurd's Stat. 1919, ch. 24, par. 447.)

#### CITY CIVIL SERVICE EMPLOYEES' PENSION BOARD,

**Election.** Annually on a day between the second Mondays in September and October, the civil

service employees in cities, villages and incorporated towns exceeding 100,000 inhabitants elect one of their number as trustee, who, with two others similarly elected and the comptroller and treasurer of the city, village or town, constitute the board of trustees of the municipal pension fund. (Hurd's Stat. 1919, ch. 24, pars. 741, 742.)

**Term of office.** A trustee of the municipal pension fund is elected for a term of three years or until his or her successor is elected and qualified. (Hurd's Stat. 1919, ch. 24, par. 742.)

**Qualification.** The elective member of the board must be a resident of the city, village or town and must not hold during his term of membership on the board any appointive or elective political office or position. (Hurd's Stat. 1919, ch. 24, par. 742.)

**Vacancy.** A vacancy on the board of trustees of the municipal pension fund is filled by a special election called by the board. (Hurd's Stat. 1919, ch. 24, par. 742.)

#### CITY CLERK,

**City canvassing board.** The city clerk is a member of the city canvassing board. (Hurd's Stat. 1919, ch. 46, par. 297.)

**Election.** The next election for city clerk will be in 1923 and biennially thereafter. (Hurd's Stat. 1919, ch. 24, par. 49.)

**Primary ballot, printing, certifying, publishing, posting and delivering.** In cities having no board of election commissioners, it is the duty of the city clerk to prepare the official and specimen primary ballots containing the names of all candidates for city offices, including state offices, if any, the specimen ballots to be of a different texture and color from the official ballot, and cause a sufficient number of the ballots to be printed for each precinct in the city, or twice as many ballots as there were persons who voted at the last preceding election, including an ample supply of extra ballots to be retained after the primary and in case of loss and destruction of ballots.

Twenty-eight days previous to a primary the city clerk certifies to the board of election commissioners if there be any in his city, the names of all candidates who have filed nominating petitions in his office in the order of their filing.

In cities having no board of election commissioners, fifteen days before the primary the city clerk posts in a conspicuous place in his office an announcement of the color of the primary ballot of the respective parties; and one week prior to the primary he publishes in three newspapers printed and published in the city an announcement of the color of the primary ballots of the respective parties.

Five days before a primary, it is the duty of the city clerk to transmit or cause to be delivered to

the primary judges the required number of specimen ballots; and twelve hours before opening the polls to cause to be delivered to such judges the proper number of official primary ballots for each political party placed in separate sealed packages and marked on the outside with the name of the precinct for which they are intended and the number of ballots enclosed, taking a receipt therefor. (Hurd's Stat. 1919, ch. 46, pars. 482, 483, 484, 485, 488, 489, 490, 491, and 510.)

#### CITY COLLECTOR,

As to commission, qualification and vacancy, see City offices.

**Election or appointment.** In cities under the Cities and Villages Act, the city council may by ordinance create, discontinue or consolidate the office of city collector, city marshal, city superintendent of streets, corporation counsel and city comptroller and provide for their appointment or election. (Hurd's Stat. 1919, ch. 24, par. 73.)

CITY COMPTROLLER, see CITY COLLECTOR.

#### CITY COURT CLERK,

**Election,** The election of clerk of a city court is the same as in case of a city court judge. (Hurd's Stat. 1919, ch. 37, par. 246.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's qualified electors in the city is necessary to a nominating petition for the office of city court clerk; which petition is filed with the city clerk between twenty and thirty days previous to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for city court clerk are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Number of clerks.** There are twenty-six clerks of city courts, one clerk acting for both of the judges at East St. Louis.

**Term of office.** The term of office of city court clerk is four years. (Hurd's Stat. 1919, ch. 37, par. 246.)

## CITY JUDGES,

**Election.** City court judges and clerks are elected at an election designated by ordinance after the establishment of the court, and on the same day every four years thereafter. (Hurd's Stat. 1919, ch. 37, par. 244.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's qualified electors in the city are necessary to a nominating petition for the office of city court judge; which petition is filed with the city clerk

between twenty and thirty days previous to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for city court judge are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Number of judges.** The cities of Alton, Aurora, Beardstown, Benton, Canton, Carbondale, Charleston, Chicago Heights, DeKalb, Duquoin, Elgin, Granite City, Harrisburg, Herrin, Johnson City, Kewanee, Litchfield, Macomb, Marion, Mattoon, Moline, Pana, Spring Valley, Sterling and West Frankfort each have a city judge; East St. Louis has two city judges, making in all twenty-seven city judges.

**Term of office.** The term of office of city court judge is four years. (Hurd's Stat. 1919, ch. 37, par. 244.)

In providing for additional city judges, their term of office must be fixed by the city council at four years. *People v. Board of Election Commissioners* (1910), 245 Ill. 298.

**Vacancy.** A vacancy in the office of judge of a city court, with an unexpired term of less than a year is filled by appointment by the Governor; a vacancy in such office is filled by special election called by the same authority and held in the same manner as in case of other city elections, if the unexpired term exceeds a year. (Hurd's Stat. 1919, ch. 37, par. 244.)

CITY MARSHAL, see CITY COLLECTOR.

### CITY OFFICES,

**Commission.** Except in case of alderman clerk, mayor and village trustee, all officers elected or appointed under the Cities and Villages Act are commissioned by warrant under the corporate seal, signed by the clerk and the mayor or presiding officer of the city council or board of trustees. (Hurd's Stat. 1919, ch. 24, par. 76.)

**Qualification.** A candidate for city or village office must have resided in the city or village at least one year next preceding his election or appointment, must be a qualified elector thereof, and must not be a defaulter of the corporation. These qualifications, except as to the last, do not apply to city engineers, health officers, officers of whom technical training or knowledge is required and to attorneys in cities or villages of less than 200,000 population. (Hurd's Stat. 1919, ch. 24, par. 77.)

**Vacancy.** In all offices except the mayor and aldermen, vacancies are filled by appointment of the mayor with the advice and consent of the city council. (Hurd's Stat. 1919, ch. 24, par. 74.)

CITY SUPERINTENDENT OF STREETS, see  
CITY COLLECTOR.

### CITY TREASURER,

**Election.** A city treasurer will be elected in 1923

and every two years thereafter. (Hurd's Stat. 1919, ch. 24, par. 49.)

**Qualification.** A city treasurer cannot succeed himself in succession. (Hurd's Stat. 1919, ch. 24, par. 49.)

CLERK OF APPELLATE COURT, see APPELLATE COURT CLERK.

CLERK OF CIRCUIT COURT, see CIRCUIT CLERK.

CLERK OF CIRCUIT COURT OF COOK COUNTY,

The election and nomination of this officer in Cook county are the same as in the case of clerk of circuit court in any other county; for the clerk of the circuit court of Cook county is, in effect, included in the constitutional provision (Const. 1870, art. 10, § 8), that constitutes the clerk of the circuit court a county officer.

CLERK OF COURT PRO TEM, see VACANCIES, CLERK OF COURT.

CLERKS OF ELECTIONS,

**Appointment and qualification.** Each judge of election has the appointment of a clerk of election who must possess the same qualifications as a judge of election and may continue to act as clerk during the pleasure of the judge who appoints him.



In case of primary, except in cities having a board of election commissioners, three qualified primary electors, not more than two of whom belonging to the same political party are appointed as primary clerks of election by the primary judges; in cities having a board of election commissioners, the regularly appointed clerks of election act as primary clerks in their respective precincts. The primary clerks appointed by primary judges serve during their pleasure. The clerks at a primary election are officers of the county court of the county in which they serve. (Hurd's Stat. 1919, ch. 46, pars. 37, 467, 468.)

Appointment under City Election Law, see Judges of election.

Compensation, see Judges of election.

**Jury service.** Clerks of election under the City Election Law are exempt from jury service during their term of service and for two years thereafter. (Hurd's Stat. 1919, ch. 46, par. 179.)

**Poll list or register.** Each clerk of election keeps a poll list, poll book or register upon which the name and other information concerning every elector voting is entered in regular succession under proper headings; and as each voter's name is announced by one of the judges of election it is repeated by the clerk if he finds such name therein; and when the ballot is given to the voter his name is immediately checked.

In a primary the primary clerk enters in the primary poll book the name, residence and party affiliation of the primary elector who has voted. (Hurd's Stat. 1919, ch. 46, pars. 51, 309, 498.)

**Road district.** In counties not under township organization, the road district clerk is ex officio clerk of elections, and in case of vacancy, the same is filled by the highway commissioner, or, if absent, by the electors present. (Road and Bridge Act, §45.)

**Vacancy,** see Judges of election.

#### COMBINED DRAINAGE COMMISSIONERS,

**Election.** On the second Saturday of March annually, after the first election, one drainage commissioner is elected for a combined drainage district, who, with two others previously elected, constitute the drainage commissioners of such district.

In case the town clerk fails, neglects or refuses to call an election for drainage commissioner, an election may be held at any time after the second Saturday of March. (Hurd's Stat. 1919, ch. 42, par. 89a.)

**Election, law governing.** The Farm Drainage Act, § 15a (Hurd's Stat. ch. 42, par. 89a) applies to drainage districts lying in two towns as well as to those situated in one town. *People v. Gary* (1902), 196 Ill. 310, 318.

**Qualification.** A candidate for combined drainage commissioner must be an adult owner of land in the district and a resident of the county in which the district or part thereof lies. (Hurd's Stat. 1919, ch. 42, par. 89a.)

**Term of office.** Combined drainage commissioners hold office for a term of three years and until a successor is elected and qualified. (Hurd's Stat. 1919, ch. 42, par. 89a.)

**Vacancy.** A vacancy in combined drainage commissioner is filled by a special election called by the remaining commissioner or commissioners on ten days' notice of the time when and the place where the election will be held. (Hurd's Stat. 1919, ch. 42, par. 89a.)

## COMMISSION,

**Attorney General.** The Governor commissions the attorney general. (Hurd's Stat. 1919, ch. 14, par. 1.)

**Circuit judge.** The Governor commissions judges of the circuit court. (Hurd's Stat. 1919, ch. 46, par. 78.)

**Clerks of certain courts.** The Supreme Court, the circuit court, the superior court of Cook County, the criminal court of Cook county and the county court clerks are all commissioned by the Governor. (Hurd's Stat. 1919, ch. 25, par. 3; ch. 46, par. 78.)

**Commissioner of deeds.** The Governor commissions applicants for commissioner of deeds upon presentation of a certificate under seal of the mayor of the city or a judge of a court of record of the city as to its number of inhabitants, if the appointment is in addition to five other appointees in such city. (Hurd's Stat. 1919, ch. 26, par. 5.)

**Congressman.** The Governor commissions a person elected to the office of Congressman or Congressman at Large. (Hurd's Stat. 1919, ch. 46, par. 78.)

**Coroner.** The Governor commissions a person elected or appointed coroner upon the county clerk's certification of the election, the filing of a bond and the taking of the official oath. (Hurd's Stat. 1919, ch. 31, par. 1.)

**County clerk.** The Governor commissions county clerks. (Hurd's State. 1919, ch. 35, par. 3.)

**County commissioner.** The Governor commissions persons elected to the office of county commissioner. (Hurd's Stat. 1919, ch. 34, par. 42.)

**County treasurer.** The Governor commissions a person elected to the office of county treasurer. (Hurd's Stat. 1919, ch. 36, par. 3.)

**Ineligibility.** The attorney general has no power to interfere with the issuance of a commission to a regularly elected candidate who is claimed to be unfit for the office. (1917-18 Atty. Gen. Rep. 569.)

**Informalities.** A commission should not be withheld for mere informalities in certifying the returns of an election. (1917-18 Atty. Gen. Rep. 325.)

**Justice of the peace.** The Governor commissions persons elected justice of the peace upon receipt of a certificate from the county clerk that a proper bond has been executed and filed with him, which commission is sent to the county clerk, who delivers it to the justice. (Hurd's Stat. 1919, ch. 79, par. 11.)

**Municipal Court bailiff.** The Governor commissions a person elected bailiff of the municipal court of Chicago. (Hurd's Stat. 1919, ch. 37, par. 279.)

**Municipal court clerk.** The Governor commissions a person elected clerk of the municipal court of Chicago. (Hurd's Stat. 1919, ch. 37, par. 277.)

**Probate clerk.** A person elected probate clerk is commissioned by the Governor when the clerk has filed with the secretary of state the proper bond. (Hurd's Stat. 1919, ch. 37, par. 229.)

**Public administrator.** The Governor issues a public administrator's commission. (Hurd's Stat. 1919, ch. 3, par. 47.)

**Representative in the General Assembly.** The Governor commissions a person elected to the office of representative in the General Assembly. (Hurd's Stat. 1919, ch. 46, par. 78.)

**State's Attorney.** A person elected state's attorney is commissioned by the Governor. (Hurd's Stat. 1919, ch. 14, par. 1.)

**State Senator.** The Governor commissions a person elected to the office of state senator. (Hurd's Stat. 1919, ch. 46, par. 78.)

**Supreme Court judge.** The Governor commissions a person elected to the office of Supreme Court judge. (Hurd's Stat. 1919, ch. 46, par. 78.)

**United States Senator.** The Governor commissions a person elected to the office of United States senator. (Hurd's Stat. 1919, ch. 46, par. 78.)

**University Trustee.** The Governor commissions persons elected to the office of trustee of the university of Illinois. (Hurd's Stat. 1919, ch. 46, par. 78.)

## COMMISSIONER OF DEEDS,

**Appointment.** In any state, the district of Columbia or territory of the United States the Governor may appoint not to exceed five persons to act as commissioners of deeds and one additional commissioner for every 10,000 inhabitants in a city whose mayor or a judge of a court of record has certified to the number of inhabitants therein. (Hurd's Stat. 1919, ch. 26, pars. 1, 5.)

**Seal, filing of impression.** Before a person enters upon the duties of commissioner of deeds, he must

**Informalities.** A commission should not be withheld for mere informalities in certifying the returns of an election. (1917-18 Atty. Gen. Rep. 325.)

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**Public administrator.** The Governor issues a public administrator's commission. (Hurd's Stat. 1919, ch. 3, par. 47.)

**Representative in the General Assembly.** The Governor commissions a person elected to the office of representative in the General Assembly. (Hurd's Stat. 1919, ch. 46, par. 78.)

**State's Attorney.** A person elected state's attorney is commissioned by the Governor. (Hurd's Stat. 1919, ch. 14, par. 1.)

**State Senator.** The Governor commissions a person elected to the office of state senator. (Hurd's Stat. 1919, ch. 46, par. 78.)

**Supreme Court judge.** The Governor commissions a person elected to the office of Supreme Court judge. (Hurd's Stat. 1919, ch. 46, par. 78.)

**United States Senator.** The Governor commissions a person elected to the office of United States senator. (Hurd's Stat. 1919, ch. 46, par. 78.)

**University Trustee.** The Governor commissions persons elected to the office of trustee of the university of Illinois. (Hurd's Stat. 1919, ch. 46, par. 78.)

#### COMMISSIONER OF DEEDS,

**Appointment.** In any state, the district of Columbia or territory of the United States the Governor may appoint not to exceed five persons to act as commissioners of deeds and one additional commissioner for every 10,000 inhabitants in a city whose mayor or a judge of a court of record has certified to the number of inhabitants therein. (Hurd's Stat. 1919, ch. 26, pars. 1, 5.)

**Seal, filing of impression.** Before a person enters upon the duties of commissioner of deeds, he must



secure an official seal bearing his name, the words "a commissioner of the state of Illinois," the name of the state, territory or country, and the city and county wherein he resides or has an office; a clear impression of which seal, oath of office and his signature are within six months of the appointment filed in the office of the secretary of state. (Hurd's Stat. 1919, ch. 26, par. 2.)

**Term of office.** A person appointed commissioner of deeds holds office for a term of four years. (Hurd's Stat. 1919, ch. 26, par. 1.)

COMMISSIONERS OF HIGHWAYS, see  
HIGHWAY COMMISSIONER.

COMMUNITY BUILDING BOARD,

**Election.** In towns that have voted a tax for the establishment and maintenance of a community building, annually, at the regular town election, one manager is elected as a member of a board of three managers. (Hurd's Stat. 1919, ch. 24, pars. 767p, 767s.)

**Qualification.** Candidates for member of the board of managers of a community building must be residents of the town. (Hurd's Stat. 1919, ch. 24, par. 767s.)

**Term of office.** Managers of community buildings are elected for a term of three years. (Hurd's Stat. 1919, ch. 24, par. 767s.)

## COMMUNITY CONSOLIDATED SCHOOL BOARD,

**Election.** A board of education in a community consolidated school district is composed of a president and six members who are elected for the same terms and in the same manner as boards of education in school districts having a population of not less than 1,000 nor more than 100,000 inhabitants. (Hurd's Stat. 1919, ch. 122, par. 841.)

In the election of a community consolidated school board, the applicable provisions of the Ballot Law, including the provision which requires the authentication of the ballots by a fac simile signature of the proper officer must be followed. *People v. Exton* (1921), 298 Ill. 119, 123.

## COMMUNITY HIGH SCHOOL BOARD,

**Election.** Annually on the second Saturday in April one or two members of a community high school board of education consisting of five members are elected. (Hurd's Stat. 1919, ch. 122, par. 89a.)

In the conduct of a community high school election all the applicable provisions of the Ballot Law must be observed. *People v. Williams* (1921), 298 Ill. 86, 92; *Irwin v. Shepherd* (1921), 298 Ill. 100.

**Term of office.** After the first election, persons elected as members of a community high school board of education hold office for a term of three years from the second Saturday in April next pre-

ceding their election. (Hurd's Stat. 1919, ch. 122, par. 89a.)

**Vacancy.** In case of vacancy in a community high school board of education, the remaining members appoint a successor for the unexpired term. (Hurd's Stat. 1919, ch. 122, par. 89a.)

CONDUCT OF ELECTIONS, see POLLS.

CONGRESSIONAL COMMITTEE,

**Congressional convention, notice.** The Congressional committee of the respective political parties designates the place where and the hour when the Congressional convention shall be held, and causes its secretary to mail to each delegate and alternate delegate a written or printed notice to that effect at least five days previous to the convening of the convention.

**Membership.** In Congressional districts wholly within the territorial limits of one county or one county and partly in another county, the precinct committeemen of each political party constitute its Congressional committee; in Congressional districts wholly within or partly within and partly without the territorial limits of an incorporated city or village having a population of 200,000 or over, the members of the precinct and ward committees of the party constitute the Congressional committee; and in any other Congressional district, the Congressional committee is composed of the chairman

of the county central committees of the counties comprising the Congressional district. (Hurd's Stat. 1919, ch. 46, par. 460.)

**Voting.** In the organization and proceedings of the Congressional committee, each precinct or ward committeeman has one vote and one additional vote for each fifty votes or major fraction thereof of his party cast for Governor in his precinct or ward at the last general election. (Hurd's Stat. 1919, ch. 46, par. 460.)

#### CONGRESSIONAL CONVENTION,

The delegates and alternate delegates to a congressional convention are chosen in county conventions of the respective political parties. (Hurd's Stat. 1919, ch. 46, par. 461.)

**Call for convention, filing.** The call for a Congressional convention states the time and place (designating the building or hall) for holding the convention, the total number of delegates composing it, the number of delegates to which each county or political subdivision of any county is entitled, and must be signed by the chairman and attested by the secretary; which call is filed in each county of the Congressional district at least thirty-three days before the April primary. (Hurd's Stat. 1919, ch. 46, par. 461.)

**Meeting.** All Congressional conventions are held on the first Wednesday after the first Monday suc-

ceeding the April primary. (Hurd's Stat. 1919, ch. 46, par. 461.)

**Powers.** At Congressional conventions, each political party selects delegates and alternate delegates to national nominating conventions and recommends to the state convention of its party the nomination of candidates from its Congressional district for electors of President and Vice President of the United States. (Hurd's Stat. 1919, ch. 46, par. 461.)

#### CONGRESSIONAL DISTRICTS,

The twenty-five congressional districts under the last apportionment in 1901 are constituted as follows:

**First.** The First and Second Wards (The term "ward or wards" when used in this and the following congressional districts have reference to the ward or wards as they were bounded in 1901 (Hurd's Stat. 1919, ch. 46, par. 151a), that part of the third ward east of the center line of Stewart Avenue, that part of the fourth ward lying east of the center line of Halsted Street and that part of the sixth ward north of the center line of Forty-third Street, in the city of Chicago.

**Second.** That part of the sixth ward south of the center line of Forty-third Street and the seventh, eighth and thirty-third wards in the city of Chicago.

**Third.** The towns of Lemont, Palos, Worth, Orland, Bremen, Thornton, Rich, Bloom and Calumet in Cook County, and that part of the twenty-ninth ward south of the center line of Fifty-first Street, that part of the thirtieth ward south of the center line of Fifty-first Street, the thirty-first and thirty-second wards, in the city of Chicago.

**Fourth.** That part of the third ward lying west of the center line of Stewart Avenue, that part of the fourth ward lying west of the center line of Halsted street, the fifth ward, that part of the eleventh ward south of the center line of Twenty-second Street, that part of the twelfth ward lying south of the center line of Twenty-second Street, that part of the twenty-ninth ward north of the center line of Fifty-first Street, and that part of the thirtieth ward north of the center line of Fifty-first Street, in the city of Chicago.

**Fifth.** The ninth and tenth wards, that part of the eleventh ward north of the center line of Twenty-second Street, and that part of the twelfth ward north of the center line of Twenty-second Street, in the city of Chicago.

**Sixth.** The towns of Proviso, Cicero, Riverside, Stickney and Lyons, in Cook County, and the thirteenth, twentieth and thirty-fourth wards, and that part of the thirty-fifth ward south of the south line of the right-of-way of the Chicago and Northwest-ern Railway Company, in the city of Chicago.

**Twenty-fourth.** Clay, Edwards, Gallatin, Hamilton, Hardin, Johnson, Massac, Pope, Saline, Wayne and White counties.

**Twenty-fifth.** Alexander, Franklin, Jackson, Perry, Pulaski, Randolph, Union and Williamson counties. (Hurd's Stat. 1919, ch. 46, par. 150.)

### CONGRESSMAN AND CONGRESSMAN AT LARGE,

**Election.** Representatives in Congress will be elected in the fall of 1922 and every two years thereafter. (Hurd's Stat. 1919, ch. 46, par. 6.)

**Nominating petition, signatures, filing.** Half of one per cent of a candidate's party's qualified electors' signatures in the congressional district is necessary to a nominating petition for the office of congressman; and not less than one nor more than two thousand of a candidate's party's primary electors' signatures are required to a nominating petition for the office of congressman at large; which petition is filed with the secretary of state between forty and sixty days previous to the day of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for congressman and congressman at large are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Number of congressmen.** Under the congressional apportionment of 1901, Illinois is divided into

twenty-five congressional districts, allowing one congressman for each district; which with two congressmen at large give Illinois twenty-seven congressmen. (Hurd's Stat. 1919, ch. 46, par. 150.)

**Vacancy.** A vacancy in the office of representative in Congress is filled at a special election called by the Governor's writ issued to the county clerks of the several counties in the district wherein the vacancy exists. (Hurd's Stat. 1919, ch. 46, par. 130; U. S. Const., art. 1, § 2, cl. 4.)

#### CONSOLIDATED SCHOOLS BOARD,

**Election.** In school districts which have consolidated, one or two persons at a time are elected as directors of a board consisting of five members. (Hurd's Stat. 1919, ch. 122, par. 121a.)

The statute fixes no date for holding the election after the first election.

**Term of office.** In consolidated school districts members of the board of directors are elected for a term of three years. (Hurd's Stat. 1919, ch. 122, par. 121a.)

#### CONSTABLE,

Constables are elected on the same date as justices of the peace, hold office for the same term, take the same form of oath, execute the same kind of a bond; and in case of vacancy their offices are filled by appointment or election the same as in the



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#### CONSTABLE,

Constables are elected on the same date as justices of the peace, hold office for the same term, take the same form of oath, execute the same kind of a bond; and in case of vacancy their offices are filled by appointment or election the same as in the

case of a vacancy in the office of justice of the peace. (Hurd's Stat. 1919, ch. 79, pars. 1, 7, 8 and 9.)

**Number.** Each township or precinct in towns not under township organization, except Chicago, is entitled to two constables and one additional constable for every 1,000 inhabitants over 2,000 population, but to no more than five constables in any one town or precinct. There are approximately 1,500 constables in this state. (Hurd's Stat. 1919, ch. 79, par. 1.)

#### CONVENTIONS,

**Call.** A precinct committeeman may call a convention or caucus to make nominations for township offices in townships that are not coextensive with the corporate limits of a city or incorporated town or village. (1919-20 Atty. Gen. Rep. 55.)

**General powers.** Each political convention has power to perform all inherent functions of a political organization that are not inconsistent with law. (Hurd's Stat. 1919, ch. 46, par. 461d.)

It may direct the manner in which vacancies on the ticket nominated shall be filled and transact such other business as may be lawfully brought before it.

**Tickets.** In a convention or caucus held for the nomination of candidates for public office tickets or ballots are unnecessary. (1919-20 Atty. Gen. Rep. 55.)

**Vacancies.** It is customary and legal for a convention or caucus to provide by motion or resolution for the filling of vacancies in nominations and for certifying them to the proper officer in charge of the printing of the ballots. (1917-18 Atty. Gen. Rep. 277-8.)

### CONVICTS,

**Annual list, Governor.** On or before the first of October annually, the Governor furnishes the respective boards of election commissioners a list of convicts who have been pardoned. (Hurd's Stat. 1919, ch. 46, par. 185.)

**Monthly lists, clerks of court.** Clerks of court are required to furnish to election commissioners monthly lists of persons convicted and sentenced to the penitentiary, giving their former places of residence, if any. (Hurd's Stat. 1919, ch. 46, par. 185.)

CONVICTS, see VOTERS.

### CORONER,

**Election.** In the fall of 1924 and every four years thereafter, there will be elected a coroner in each county of the state. (Hurd's Stat. 1919, ch. 46, par. 17.)

**Intoxicating liquor, sale.** It is the duty of the coroner to see that no intoxicating liquors are sold or given away and that no saloon or barroom is

open during the holding of a primary nor of a general or special election, within one mile of the polling place. (Hurd's Stat. 1919, ch. 46, pars. 79, 515.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general election in the county are necessary to a nominating petition for the office of coroner, which petition is filed with the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for coroner are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Term of Office.** Coroners are elected for a term of four years commencing with the first Monday in December after their election. (Hurd's Stat. 1919, ch. 46, par. 17.)

**Vacancy.** Failure to give bond within twenty days after election or appointment, creates a vacancy in the office of coroner. (Hurd's Stat. 1919, ch. 31, par. 4.)

A vacancy occurring at any time in the office of coroner is filled by the county board until the next county or precinct election. (Hurd's Stat. 1919, ch. 46, par. 133.)

CORPORATION COUNSEL, see CITY COLLECTOR.

## COST OF ELECTIONS AND PRIMARIES,

**Ballots and cards of instructions.** The expense of printing ballots and cards of instructions is borne in municipal elections by the city, village or incorporated town; in town elections, by the town; and in all other elections by the county. (Hurd's Stat. 1919, ch. 46, par. 289.)

**Ballot boxes.** The cost of all needed ballot boxes is borne by the county. (Hurd's Stat. 1919, ch. 46, pars. 40, 41.)

City and county expenses, see County expenses.

**County expenses.** In cities having election commissioners, it is proper to separate election expenses into two items: one item representing the expenses incurred in county and state elections held within the city and to be audited and paid upon the warrant of the election commissioners; the other item to include the election expenses of the county outside of the city to be audited and paid by the county commissioners or the board of supervisors. *People v. Bowman* (1911), 253 Ill. 234, 239.

**Delivery of election supplies.** In cities having election commissioner, the cost of delivering election supplies to the various polling places for judicial elections is a "miscellaneous expense" payable by the city. *Johnson v. Winnebago County* (1912), 256 Ill. 276, 278.

**Judges and clerks.** In township elections of towns forming a part of a city when no city officers

are elected, the judges and clerks are paid according to the statutory rate by the township, although the source from which payment shall be made is not designated by statute; but when township officers are elected at a city election, the compensation must come from the city. *Bolles v. Prince* (1911), 250 Ill. 36, 39, 40.

**Judicial election.** The expense of nominating and electing a clerk and judge of a city court in a city under the City Election Law is borne by the city and not the county. (1917-18 Atty. Gen. Rep. 305.)

**Primaries.** All expenses necessarily incurred in preparation for or conducting a primary, including the per diem compensation for judges and clerks, the cost of furnishing, warming, lighting and maintaining the polling place are paid by the authorities who meet similar expenses in case of general elections. (Hurd's Stat. 1919, ch. 46, par. 476.)

**Rent and printing.** The rent for polling places and printing in township elections in towns forming a part of a city are paid by the city and not the township. *Bolles v. Prince* (1911), 250 Ill. 36, 39.

**School trustees.** The expense of conducting an election for school trustee is borne by the school township or district. (Hurd's Stat. 1919, ch. 46, par. 324.)

**Note.** Original section applied to school directors as well as school trustees. The amended section limits cost to school trustees. It is plainly an oversight and the bill should have been vetoed.

COUNTIES UNDER AND NOT UNDER  
TOWNSHIP ORGANIZATION.

Adams	Fulton
*Alexander	Gallatin
Bond	Greene
Boone	Grundy
Brown	Hamilton
Bureau	Hancock
*Calhoun	*Hardin
Carroll	*Henderson
*Cass	Henry
Champaign	Iroquois
Christian	Jackson
Clark	Jasper
Clay	Jefferson
Clinton	Jersey
Coles	JoDaviess
Cook	*Johnson
Crawford	Kane
Cumberland	Kankakee
DeKalb	Kendall
DeWitt	Knox
Douglas	Lake
DuPage	LaSalle
Edgar	Lawrence
*Edwards	Lee
Effingham	Livingston
Fayette	Logan
Ford	Macon
Franklin	Macoupin



Madison	Richland
Marion	Rock Island
Marshall	Saline
Mason	Sangamon
*Massac	Schuyler
McDonough	*Scott
McHenry	Shelby
McLean	Stark
*Menard	St. Clair
Mercer	Stephenson
*Monroe	Tazewell
Montgomery	*Union
*Morgan	Vermilion
Moultrie	*Wabash
Ogle	Warren
Peoria	Washington
*Perry	Wayne
Piatt	White
Pike	Whitesides
*Pope	Will
*Pulaski	*Williamson
Putnam	Winnebago
*Randolph	Woodford

**Note.** The counties (19) marked with a star are not under township organization.

Not under township organization.

Alexander	Edwards
Calhoun	Hardin
Cass	Henderson

Johnson	Pulaski
Massac	Randolph
Menard	Scott
Monroe	Union
Morgan	Wabash
Perry	Williamson
Pope	

## COUNTY ASSESSOR,

In counties not under township organization of less than 125,000 inhabitants, the county treasurer is ex officio county assessor. In counties under township organization of less than 125,000 inhabitants, there is no county assessor but a supervisor of assessments. In all counties of 125,000 or more inhabitants, a board of assessors perform assessment duties. (Hurd's Stat. 1919, ch. 120, pars. 72, 295, 296, 297.)

## COUNTY AUDITOR,

**Election.** In counties under township organization of between 75,000 and 300,000 inhabitants, a county auditor will be elected at the November election of 1924 and quadrennially thereafter. (Hurd's Stat. 1919, ch. 34, par. 137.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general election in the county are necessary to a nominating petition for the office of county auditor; which peti-

tion is filed with the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for county auditor are nominated at a primary. (Hurd's Stat. 1919, ch. 34, par. 137; ch. 46, pars. 452, 455.)

**Qualification and oath.** A candidate for county auditor must possess the same qualifications as do other county officers and when elected must take the same form of oath. (Hurd's Stat. 1919, ch. 34, par. 137.)

**Term of office.** The term of office of county auditor is four years, commencing with the first Monday in December following the election. (Hurd's Stat. 1919, ch. 34, par. 137.)

**Vacancy.** In case of death, resignation or removal, the office of county auditor is filled the same as other vacancies in county offices. (Hurd's Stat. 1919, ch. 34, par. 137.)

COUNTY AUDITOR, *see* AUDITOR OF COOK COUNTY.

COUNTY BOARD,

**Ballot boxes.** Ballot boxes in a sufficient number to meet the needs of each election precinct or district are provided by the county board at the expense of the county. (Hurd's Stat. 1919, ch. 46, par. 40.)

**Constables.** One or more constables may be appointed by the county board to attend each polling place to preserve order during the election. (Hurd's Stat. 1919, ch. 46, par. 43.)

**Compensation of election officers.** The county board orders payment or compensation to the members of the board of registration and the judges and clerks of election. (Hurd's Stat. 1919, ch. 46, pars. 75, 145.)

**Election precincts or districts, establishment or readjustment.** The latest date at which a county board or board of supervisors may establish or readjust election precincts or districts is the adjourned meeting held in July (formerly August). *Rexroth v. Schein* (1903), 206 Ill. 80, 92, 93.

**Judges of election, appointment.** A majority of the county board cannot lawfully refuse to appoint as judges of election persons whose names have been presented to it in compliance with the statute. *People v. Board of Supervisors* (1906), 223 Ill. 187, 194. See *Judges of Election*.

**Judges of election, number.** In the appointment of judges of election, the precinct or district and not the township is the unit, the statute requiring an election board consisting of three judges, a majority of whom to come from the political party which cast the greatest number of votes for Governor at the last general election in the precinct. *People v. Board of Supervisors* (1906), 223 Ill. 187, 194, 195.

**Special constable.** Only those who have resided an entire year in the county may be appointed as special constables; and when appointed are entitled to \$2 for each day's service at an election. (Hurd's Stat. 1919, ch. 24, par. 444; ch. 46, par. 44.)

**Vacancies, filling.** A vacancy in county or precinct offices not specifically named, is filled by the county board until the next county or precinct election. (Hurd's Stat. 1919, ch. 46, par. 133.)

See Coroner, county clerk, county commissioner, county superintendent of schools, county surveyor, county treasurer, justice of the peace, recorder of deeds, sheriff, state's attorney.

#### COUNTY BOARD OF EDUCATION,

**Members.** A county board of education for a county normal school consists of not less than five nor more than eight persons, including the chairman of the board of supervisors or the judge of the county court and the county superintendent of schools as members ex officio. (Hurd's Stat. 1919, ch. 122, par. 99.)

**Selection.** One-third of the members of the county board of education are annually selected at the annual meeting of the board of supervisors in September, or at the September term of the county court. (Hurd's Stat. 1919, ch. 122, par. 99.)

**Term of office.** Selective members of the county board of education hold office for a term of three years. (Hurd's Stat. 1919, ch. 122, par. 99.)

## COUNTY CANVASSING BOARD.

The county clerk and two justices of the peace selected by him constitute the county canvassing board. (Hurd's Stat. 1919, ch. 46, par. 71.)

**Authority, termination.** The performance of the statutory duties imposed upon a county canvassing board terminates its authority and official existence, whether the duties were properly or improperly performed. *People v. Mottinger* (1904), 212 Ill. 530.

**Legislative primary, certificate.** The returns of a legislative primary made to the county clerk are canvassed by the county canvassing board the same as any other returns and a certificate of election is issued by it to the person or persons elected. (Hurd's Stat. 1919, ch. 46, par. 544.)

**Primary returns.** The returns of a primary made to the county clerk are opened and canvassed by the county canvassing board as constituted under the General Election Law. (Hurd's Stat. 1919, ch. 46, par. 507.)

**Returns, opening and abstracting.** Within seven days after an election, the county canvassing board open the returns and make abstracts of votes. (Hurd's Stat. 1919, ch. 46, par. 71.)

**Tabulated statement of primary returns, certified copy, mailing.** Upon completion of the canvass of the returns, the county canvassing board tabulates the returns of each political party separately.

stating under appropriate headings and in columns the total number of votes cast in the county for each candidate for President of the United States, for State central committeeman, for delegate and alternate delegate to national nominating conventions, and for the other candidates.

A certified copy of this tabulated statement, excluding therefrom offices for which the county clerk issues certificates of election, is mailed by the county clerk to the secretary of state within two days after the completion of the canvass. (Hurd's Stat. 1919, ch. 46, par. 507.)

#### COUNTY CENTRAL COMMITTEE,

The various precinct and ward committees of a political party in the county comprise the county central committee. (Hurd's Stat. 1919, ch. 46, par. 460.)

A member of the county central committee is a representative of a voluntary association and is not an officer of the state. *Rouse v. Thompson* (1907), 228 Ill. 522, 537.

**Call for judicial convention, requirements.** Seventy-five days previous to election, the chairman of the county central committee of each political party files with the secretary of state a call for a convention to nominate judicial candidates, stating, among other things, the time, which must be not more than sixty nor less than thirty-one days before election, and designating the building and hall as the place

for holding the convention. (Hurd's Stat. 1919, ch. 46, par. 551.)

Date and place of meeting, see County convention.

**Delegates to judicial convention.** In judicial circuits comprising more than one county, it is the duty of the county committee to select from its county, for membership in the judicial district convention, one delegate for every four hundred votes, or major fraction thereof, cast for Governor by its party at the last preceding election. (Hurd's Stat. 1919, ch. 46, par. 550, as amended.)

**Judges of election.** In counties not under township organization, the chairman of the county central committee of the political party which cast the highest or next highest number of votes at the last preceding general election in an election precinct or district selects two or one judge of election, as the case may be, when the county board of commissioners is composed of members who belong to one political party entirely; and in counties under township organization, the chairman of the county central committee of the political party which cast the next highest number of votes in the county at the preceding general election for Governor selects the minority judge of election in each election precinct or district in the county, if the county board of supervisors is composed of members belonging to one political party entirely, the majority selection is made by the members of the county board who represent the political party which cast the highest



number of votes at such election. (Hurd's Stat. 1919, ch. 46, pars. 32, 33.)

**Voting.** In the organization and proceedings of the county central committee, county convention or congressional committee, respectively, a precinct or ward committeeman has one vote and one additional vote for each fifty votes or major fraction thereof of his party cast for Governor in his precinct or ward at the last general election. (Hurd's Stat. 1919, ch. 46, pars. 460, 461.)

Vacancy, see Precinct committeeman.

#### COUNTY CIVIL SERVICE COMMISSIONERS,

**Appointment.** Annually, at the July meeting of the county board, the president appoints one person as civil service commissioner to succeed the one whose term expires in that year, who, with two other commissioners, constitute the civil service commission of the county. (Hurd's Stat. 1919, ch. 34, par. 62.)

**Qualification.** Not more than two members of the county civil service commission can belong to the same political party at the time of appointment, nor can a member hold any other lucrative office or employment under the federal, state or municipal government or any of its divisions. (Hurd's Stat. 1919, ch. 34, par. 62.)

**Term of office.** A person appointed county civil service commissioner holds office for a term of three years, commencing with the first Monday in December and until his successor is elected and qualified. (Hurd's Stat. 1919, ch. 34, par. 62.)

**Vacancy.** Vacancies in the office of county civil service commissioner are filled in the same manner as in case of original appointment. (Hurd's Stat. 1919, ch. 34, par. 62.)

## COUNTY CLERK.

**Certificate of nomination,** see Vacancies, county offices.

**Absent voter's ballot, carrier envelope, custody.** When an absent voter's ballot is received by the officer to whom it is directed, he immediately, without opening, encloses and securely seals it up together with the application made by such voter in a carrier envelope upon which are endorsed "This envelope contains an absent voter's ballot and must be opened only at the polls on election day immediately after the polls are closed," the number and description of the precinct in which the ballot is to be voted and the name and official title of the officer. The carrier envelope is then safely kept until it is delivered to the proper election judge. (Hurd's Stat. 1919, ch. 46, par. 561.)

**Absent voter's ballots, delivery.** All absent voter's ballots in the office of the election officers

prior to or at the time of the delivery of the official ballots to the election judges are enclosed in the package containing the official ballots. Absent voters' ballots received after the official ballots have been delivered to the election judges are sent to such judges by mail, postage prepaid, or delivered to them by a duly deputized agent, taking a receipt therefor. Absent voters' ballots received too late for delivery to the proper polling place before closing of the polls are endorsed with the date and hour of their receipt and safely kept unopened until they are destroyed with the used ballots of the same election. (Hurd's Stat. 1919, ch. 46, par. 562.)

**Absent voters, posting name and delivery of ballot.** Not less than five and not more than thirty days before election, the county clerk or the board of election commissioners receiving an application for a ballot to be voted by mail, examine the election records and if the applicant is entitled to vote, immediately post on a list in a conspicuous place accessible to the public at the entrance of the office his name, street address, ward and precinct number, fold the ballot or ballots in the same manner as they are folded for deposit in the ballot box, enclose them in an unsealed return envelope bearing upon its face the name, official title and post office address of such officer and upon the other side, a printed affidavit substantially as follows:

State of..... }  
 County of..... } ss.

I,.....do solemnly swear that I am a resident of the.....precinct of the town of....., or of the.....ward in the city of.....residing at .....in said city or town in the county of.....and State of Illinois; that I have lived at said address for.....months last past; (If the application is for a primary election ballot, add "that I am affiliated with the Republican (or any other) party;") that I am lawfully entitled to vote in such precinct at the.....election to be held on.....; that my business or duties are....., for.....(employer)..... of .....street in the city of.....and State of .....; and that in the course of my business or duties I expect to be absent from the said county of my residence, and at the city of .....and State of....., on the date of said election.

I further swear that I marked the enclosed ballot in secret.

Subscribed and sworn to before me, an officer duly authorized under the laws of this State, to administer oaths, this.....day of....., A. D....., and I hereby certify that the affiant exhibited the enclosed ballot to me unmarked, and

that he then in my presence and in the presence of no other person and in such manner that I could not see his vote, marked such ballot and enclosed and sealed the same in this envelope without my seeing or knowing his vote, and that the affiant was not solicited or advised by me to vote for or against any candidate or proposition.

-----  
Official capacity.

Which ballot or ballots and envelope with printed slips giving full instructions for the marking and returning of the ballot or ballots are mailed, postage prepaid, or delivered in person to the voter. (Hurd's Stat. 1919, ch. 46, pars. 558, 559.)

**Abstracts of votes.** The county clerk preserves in his office the abstracts of votes made by the county canvassing board. (Hurd's Stat. 1919, ch. 46, par. 71.)

**Ballots, printing, publishing, posting, delivering.** Except where there is a board of election commissioners, it is the duty of the county clerk to prepare and cause to be printed the official and specimen primary ballots of each political party, containing the names of all candidates certified to him by the canvassing board and the secretary of state, stating below the name of the office of representative in the General Assembly in small letters, the direction to voters, "vote for one, two or three," as the case may be, and placing the names of candidates for senatorial committeemen immediately after the names

of candidates for senatorial offices. The specimen ballots are to be of a different texture and color from the official ballot. The number of the ballots must be sufficient for each precinct in the county, or twice as many ballots as there were persons who voted at the last preceding election, including an ample supply of extra ballots to be retained after the primary and in case of loss and destruction of ballots.

Fifteen days previous to a primary, the county clerk is required to publish at least one week in three newspapers printed and published in the county an announcement of the color of the primary ballots of the respective parties and to post the announcement in a conspicuous place in his office.

Five days before a primary, it is the duty of the county clerk to transmit or cause to be delivered to the primary judges the required number of specimen ballots; and twelve hours before the opening of the polls to cause to be delivered to such judges the proper number of official primary ballots for each political party placed in separate sealed packages and marked on the outside with the name of the precinct for which they are intended and the number of the ballots enclosed, and to take a receipt therefor. (Hurd's Stat. 1919, ch. 46, pars. 483, 484, 485, 488, 489, 490, 491, 510, 540 and 541.)

**Bond, requirements, form, filing.** Before entering upon the duties of the office, a person elected county clerk gives bond in a sum and with such sureties as

the county board prescribes; which bond is filed with the clerk of the Circuit Court and is as follows:

Know all men by these presents, that we, (A B) principal, and (C D,) and (E F,) sureties, all of the county of.....and State of Illinois, are held and firmly bound to the People of the State of Illinois, in the penal sum of.....dollars, for the payment of which, well and truly to be made, we bind ourselves, each of us, our heirs, executors and administrators, firmly by these presents. Signed with our hands and sealed with our seals.

Dated at.....the.....day of  
.....19.....

The condition of the above bond is such, that if the above bounden (A B) shall perform all the duties which are or may be required by law to be performed by him as county clerk of the said county of.....in the time and manner prescribed or to be prescribed by law, and when he shall be succeeded in office, shall surrender and deliver over to his successor in office all books, papers, moneys and other things belonging to said county, and appertaining to his said office, then the above bond to be void; otherwise to remain in full force.

Signed, sealed and delivered  
in the presence of (G H.)

A B, [SEAL.]  
C D, [SEAL.]  
E F, [SEAL.]

(Hurd's Stat. 1919, ch. 35, par. 2.)

**Certificates of election.** In case of a county office and upon application, certificates of election are by the county clerk made out for and delivered to persons who receive the highest number of votes for the office. (Hurd's Stat. 1919, ch. 46, par. 72.)

**Certification of candidates.** Twenty-eight days prior to a primary or a legislative primary, the county clerk certifies to the board of election commissioners if there be any in his county, the names of all candidates certified to him by the secretary of state as well as the list of names of all other candidates who have filed petitions in his office in the order of filing or certification. (Hurd's Stat. 1919, ch. 46, pars. 482, 539.)

**City Election Law.** In submitting a proposition as to whether a city shall adopt the City Election Law, it is the duty of the county clerk to deliver proper tally sheets and blank statements of returns of votes to the judges of all precincts in the city, to obey all instructions regarding the submission of the proposition given him by the county judge and to do all other acts necessary to be done concerning such submission. (Hurd's Stat. 1919, ch. 46, par. 156.)

**Compensation of election officers.** On receipt of the general or special election returns, the county clerk certifies to the compensation of the members of the board of registration and the judges and clerks of election and lays the same before the



county board at its next session. (Hurd's Stat. 1919, ch. 46, pars. 75, 145.)

**Election.** In the fall of 1922, and every four years thereafter, there will be elected a county clerk in each county. (Hurd's Stat. 1919, ch. 46, par. 16.)

**Election blanks.** Election blanks for each election precinct or district are provided by the county clerk at the expense of the county at least ten days before an election is held. (Hurd's Stat. 1919, ch. 46, par. 42.)

**Election envelopes.** Upon receipt of election envelopes from the secretary of state, the county clerk fills out the blank space on one copy of an election envelope for each voting precinct or district in his county, attaches to each of the envelopes sufficient postage and distributes them with the other election supplies to the proper election officers. (Hurd's Stat. 1919, ch. 46, par. 62.)

**Election precincts or districts.** It is the duty of each county clerk to make out a correct list of all election precincts or districts in the county and forward it to the secretary of state on or before the first of September of the year of which there has been a redivision, readjustment or change in any election precinct or district. (Hurd's Stat. 1919, ch. 46, par. 30.)

**Election returns.** Election returns must be safely kept by the county clerk. (Hurd's Stat. 1919, ch. 46, par. 62.)

Election returns, see County canvassing board.

**Ex officio.** The county clerk is ex officio town clerk and township assessor in townships lying wholly within cities of more than 50,000 population and that have adopted the Township Act of 1901. He is also ex officio clerk of the county court and a member of the trial board that hears and passes upon objections to nominations for county offices. (Hurd's Stat. 1919, ch. 24, par. 644; ch. 25, par. 2; and ch. 46, par. 297.)

**Note.** Const. art. 6, § 18 requires the election of a "clerk of the county court," but art. 10, § 8 of the same instrument enumerates among the county officers only a "county clerk." That section being a later provision and in apparent conflict with the preceding one, evidently furnished reason for consolidating the two offices.

**Judges of election.** Immediately upon the appointment of judges of election by the county board, it is the duty of the county clerk to direct a notice of such appointment to each person so appointed and deliver it to the sheriff for service. (Hurd's Stat. 1919, ch. 46, par. 34.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general election in the county are necessary to a nominating petition for the office of county clerk; which petition is filed with the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for county clerk are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Nominations.** The county clerk immediately upon receipt of nominations certifies them to the authorities who are charged with the duty of placing the names of the nominees on the ballot; and immediately upon verifying the certificates of nomination to supply vacancies, he furnishes to the judges of election the names of the substituted nominees. (Hurd's Stat. 1919, ch. 46, pars. 298, 299.)

**Notice of election.** Notices of election are delivered by the county clerk to the sheriff in counties not under township organization and to the supervisor in counties under township organization. (Hurd's Stat. 1919, ch. 46, pars. 46, 321.)

**Presidential electors.** Eight days or sooner after election, each county clerk is required to make three copies of the abstract of votes cast for electors of President and Vice President, to retain one copy, and to transmit by mail to the Governor one copy and another to the secretary of state. (Hurd's Stat. 1919, ch. 46, par. 2.)

**Specimen ballot, publication.** In all counties of not more than 150,000 population, prior to the date of election, a copy of the specimen ballot is published in two newspapers representing the two dominant political parties who participated in the next preceding election. (Hurd's Stat. 1919, ch. 46, par. 306.)

**Statement and suggestions.** The county clerk posts and publishes the statement and suggestions concerning a constitutional amendment or public measure in the same manner and at the same places as the sample ballots and the instructions to voters. (Hurd's Stat. 1919, ch. 7a, par. 11.)

**Tabulated statement of primary returns, certified copy.** For all offices for which the county clerk does not issue a certificate of nomination or election, he mails to the secretary of state within two days after the completion of the canvass a certified copy of the tabulated statement of the returns made by the county canvassing board. (Hurd's Stat. 1919, ch. 46, par. 507.)

**Term of Office.** County clerks are elected for a term of four years from the first Monday of December after their election. (Hurd's Stat. 1919, ch. 46, par. 16.)

**Tie vote.** A tie vote for a county office is determined by the county clerk on a day named within ten days from the day of election upon notice to the persons whose votes equal the highest number of votes cast at such election. (Hurd's Stat. 1919, ch. 46, par. 73.)

**Vacancy.** If a vacancy occurs in the office of county clerk and the unexpired term is less than a year, the county board fills the vacancy by appointment; in case the unexpired term is more than a year, the county board immediately appoints a

clerk pro tempore until the vacancy is filled by special election called by the board and a successor is elected and qualified. (Hurd's Stat. 1919, ch. 35, par. 8; ch. 46, par. 133.)

**Vacancies, constable.** In case of a vacancy in the office of constable in which the unexpired term exceeds one year, the county clerk issues an order appointing a day for an election and causes notice thereof to be given as in other election cases. (Hurd's Stat. 1919, ch. 46, par. 133.)

**Vacancies, county commissioners.** If a vacancy occurs in the office of county commissioner and the unexpired term is less than a year, the county board fills the vacancy by appointment; in case the unexpired term is more than a year, the vacancy is filled by special election called by the county clerk or chairman of the county board in case of a vacancy in the office of county clerk. (Hurd's Stat. 1919, ch. 46, par. 133.)

**Vacancies, county judge.** In case of a vacancy in the office of judge of county court, the county clerk notifies the Governor of the existence of the vacancy. (Hurd's Stat. 1919, ch. 46, par. 131.)

**Vacancies, justice of the peace.** In case of a vacancy in the office of justice of the peace in which the unexpired term exceeds one year, the county clerk issues an order appointing a day for an election and causes notice thereof to be given as in other election cases. (Hurd's Stat. 1919, ch. 46, par. 133.)

**Vacancies, Representative.** In case of a vacancy in the office of representative in the General Assembly during its session and between a session and the next succeeding General Assembly, the county clerk of the county in which resides the representative whose office has become vacant, notifies the Governor of the occurrence of such vacancy. (Hurd's Stat. 1919, ch. 46, par. 129.)

**Vacancies, State's Attorney.** In case of a vacancy in the office of state's attorney in which the unexpired term exceeds one year, the county clerk issues an order appointing a day for an election and causes notice thereof to be given as in other election cases. (Hurd's Stat. 1919, ch. 46, par. 133.)

**Vacancies, State Senator.** In case of a vacancy in the office of state senator during the session of the General Assembly or between a session and the next succeeding General Assembly, the county clerk of the county in which resides the member whose office has become vacant notifies the Governor of the occurrence of such vacancy. (Hurd's Stat. 1919, ch. 46, par. 129.)

**Voting machine, adjustment, delivery.** Before the day of election, the election officer or officers charged by law with the duty of furnishing election supplies place the proper ballot labels upon each machine corresponding with the sample ballot labels and put the machine in order, set and adjust it ready for use in voting when delivered at a precinct, and

together with all the necessary furniture and appliances that goes with the machine deliver it at the polling place not later than 6 P. M. on the day preceding the election; for this purpose, they may employ one or more competent persons. (Hurd's Stat. 1919, ch. 46, par. 442.)

**War ballots.** Packages containing envelopes and poll books regarding camp elections and received from the secretary of state are delivered by the county clerk to the county canvassing board at the time of its regular meeting. (Hurd's Stat. 1919, ch. 46, par. 580.)

#### COUNTY CLERK OF COOK COUNTY.

**Ex officio.** The county clerk of Cook county is ex officio clerk of the board of county commissioners and is comptroller. (Hurd's Stat. 1919, ch. 34, par. 63.)

#### COUNTY COLLECTOR.

In counties under township organization, the county treasurer, and in counties not under township organization, the sheriff is ex officio county collector. (Hurd's Stat. 1919, ch. 120, par. 144.)

#### COUNTY COMMISSIONERS.

**Board of health.** The county commissioners are ex officio members of the board of health in territory lying beyond the limits of an incorporated city

or village in counties not under township organization. (Hurd's Stat. 1919, ch. 34, par. 116.)

**Board of review.** In counties not under township organization, the board of county commissioners are ex officio members of the board of review. (Hurd's Stat. 1919, ch. 120, par. 325.)

**Election.** Annually at the fall election in counties not under township organization (Alexander, Calhoun, Cass, Edwards, Hardin, Johnson, Massac, Menard, Monroe, Morgan, Perry, Pope, Pulaski, Randolph, Scott, Union and Wabash) there is elected one commissioner. (Hurd's Stat. 1919, ch. 46, par. 28.)

**Ex officio,** see Board of health, also Board of review.

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general election in the county are necessary to a nominating petition for the office of county commissioner ; which petition is filed with the county clerk between forty and sixty day's prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** In counties of the first and second classes of counties not under township organization, candidates for county commissioner are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)



**Number of commissioners.** In counties not under township organization, there are fifty-one county commissioners, or three for each county of Alexander, Calhoun, Cass, Edwards, Hardin, Johnson, Massac, Menard, Monroe, Morgan, Perry, Pope, Pulaski, Randolph, Scott, Union and Wabash.

In counties under township organization, the number of supervisors are controlled by the county's population as determined by federal census.

**Qualification.** A person elected to the office of county commissioner cannot hold any other office by appointment or election of his board during the term of office. (Hurd's Stat. 1919, ch. 102, par. 1.)

**Term of office.** The county commissioners in counties not under township organization hold office for a term of three years. (Hurd's Stat. 1919, ch. 46, par. 28.)

As to counties under township organization, see Supervisors.

## COUNTY COMMISSIONERS OF COOK COUNTY.

**Election.** Ten commissioners from the city of Chicago and five from the towns outside the city will be elected the first Tuesday after the first Monday of November in 1922 and quadrennially thereafter, one of whom may be designated by the voters as president of the board. (Hurd's Stat. 1919, ch. 34, par. 60.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general election in his district or division in the county are necessary to a nominating petition for the office of county commissioner of Cook county; which petition is filed with the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for county commissioner of Cook county are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Number of commissioners.** Cook county has fifteen county commissioners, ten elected from the city of Chicago and five from the towns outside of the city. (Hurd's Stat. 1919, ch. 34, par. 60.)

**Qualification.** Candidates for county commissioner of Cook county must have resided in the county for five years next preceding their election, ten of whom must be elected from the city of Chicago and five from the towns outside of such city. (Hurd's Stat. 1919, ch. 34, pars. 60, 61.)

**Term of office.** County commissioners' of Cook county hold office for a term of four years until their successors are elected and qualified, the term commencing on the first Monday of December after their election. (Hurd's Stat. 1919, ch. 34, par. 60.)

**Vacancy in president.** In case of death, resignation, removal from office or other inability to act

of the president of the board of county commissioners of Cook county, the vacancy is filled for the unexpired term by the remaining commissioners from among their number. (Hurd's Stat. 1919, ch. 34, par. 61a.)

#### COUNTY CONVENTION.

**Date and place of meeting.** The meeting of the county central committee held at the county seat on the first Monday next succeeding the April primary is known as the county convention; at which meeting, the county central committee of each political party organizes by electing from its own members, or otherwise, a chairman and such other officers as the committee may deem necessary or expedient. (Hurd's Stat. 1919, ch. 46, par. 461.)

**Delegates.** The members of the county central committee of each political party are the delegates or members of the county convention. (Hurd's Stat. 1919, ch. 46, par. 461.)

**Organization.** The county convention meets on the first Monday next succeeding the April primary for the election of a chairman, either from its own number or otherwise, and such other officers as may be deemed necessary. (Hurd's Stat. 1919, ch. 46, par. 461.)

**Powers.** Delegates to the Congressional and state conventions of a political party are chosen at its county convention. (Hurd's Stat. 1919, ch. 46, par. 461.)

**Voting.** Each delegate has one vote and one additional vote for each fifty votes or major fraction thereof of his party cast in his precinct, ward or political subdivision for Governor at the last general election. (Hurd's Stat. 1919, ch. 46, pars. 461, 552.)

### COUNTY COURT.

**City Election Law, submission for adoption, blank returns, form, etc.** It is the duty of the county court, by proper order entered for that purpose, to submit the question of the adoption of the City Election Law at the next general state, county or municipal election whenever a proper petition has been presented to it; to order and direct the county clerk to prepare all necessary blank returns and tally sheets for such an election; to prepare directions to judges and clerks of election as to the manner of canvassing the votes for and against such proposition and informing them of the penalties for any refusal or neglect of their duties, and to deliver such instructions to the county clerk for printing by him and transmission to the judges and clerks. The blank returns to be substantially as follows: At an election held in the.....precinct of the .....ward, in the city of.....in the State of Illinois, on the.....day of.....in the year A. D....., the following vote was cast for and against City Election Law, to wit:

For City Election Law.....votes.

Against City Election Law.....votes.

Certified by us:

A. B., :

C. D., : Judges of Election.

E. F., :

Attest:

G. H., : Clerks of election.

I. J., :

(Hurd's Stat. 1919, ch. 46, pars. 155, 156.)

**Contempt of court, procedure.** For misbehavior at a primary, the county court may try in open court, in a summary manner and without written pleadings, on oral testimony, persons who have subscribed the official oath of clerk or judge of election, or who actually served as clerk or judge at the primary, and may punish them as for a contempt of court; which punishment is no bar to a criminal proceeding against them for any violation of the General Primary Election Law. (Hurd's Stat. 1919, ch. 46, par. 468.)

**Registration or restoration of voter's name, procedure.** A person who has been refused registration or whose name has been stricken from the register by the board of registry or the board of election commissioners may, on Friday previous to election week, at or before the opening of the court, make sworn application stating the facts and asking that his registration or restoration be ordered by the court.

These applications are docketed in the County Court by ward and precinct.

Hearings upon the applications are summary and are held on Friday and Saturday of the week previous to election week, permitting evidence to be introduced for and against the application.

Each case is decided at once and a copy of the minute as entered of record is sent to the election commissioners. In case of refusal, an order is entered accordingly on Wednesday following the session.

Appeals go to the Supreme Court if application therefor is made within five days of the date of the order. Appeals are allowed upon filing a two hundred and fifty dollars appeal bond and transcript of evidence within the time fixed by the court. (Hurd's Stat. 1919, ch. 46, pars. 207, 208, 219.)

## COUNTY JUDGE.

**County board of education.** In counties not under township organization, the county judge is ex officio a member of the county board of education. (Hurd's Stat. 1919, ch. 122, par. 99.)

**Election.** In each county of the state, a county judge will be elected in 1922 and every four years thereafter. (Hurd's Stat. 1919, ch. 46, par. 16.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general elec-

tion in the county are necessary to a nominating petition for the office of county judge; which petition is filed with the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination canvassing board.** The county judge is a member of the board that hears and passes upon objections to nominations for county offices or to nominations for office of a division less than the state and greater than a county. (Hurd's Stat. 1919, ch. 46, par. 297.)

**Nomination.** Candidates for county judge are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Term of Office.** County judges hold office for a term of four years from the first Monday of December after their election. (Hurd's Stat. 1919, ch. 46, par. 16.)

**Vacancies, county superintendent of schools.** In case of a vacancy in the office of county superintendent of schools and there is a tie in the vote of the county board to fill the vacancy, or the vacancy was for any other cause not filled within thirty days of its occurrence, the county judge and the county board fill the vacancy, the county judge casting the deciding vote. (Hurd's Stat. 1919, ch. 122, par. 209.)

**Vacancy.** A vacancy in the office of county judge whose unexpired term is less than a year is filled by appointment by the Governor; if the un-

expired term exceeds a year, the vacancy is filled at a special election called by the Governor's writ of election as in case of other vacancies. (Hurd's Stat. 1919, ch. 46, par. 131.)

#### COUNTY LIBRARY BOARD.

**Appointment.** In counties where a public county library system is not maintained by contract, the board of county commissioners or the board of supervisors after the first appointment, appoints at the expiration of the term of a member of the county library board a successor, who, with four other members, constitute the county library board. (Hurd's Stat. 1919, ch. 81, par. 62.)

**Term of office.** Members of the county library board are appointed for a term of five years. (Hurd's Stat. 1919, ch. 81, par. 62.)

**Vacancy.** A vacancy upon the county library board is filled by appointment for the unexpired portion of the term. (Hurd's Stat. 1919, ch. 81, par. 62.)

#### COUNTY OFFICERS,

**Election.** The general election for county judge, county clerk, sheriff and county treasurer is held every four years commencing with 1882. *People v. LaSalle County* (1881), 100 Ill. 495.

#### COUNTY SEAT ELECTION,

Contesting petition, see *Traverse of petition.*



**Election.** All elections for the removal of a county seat are held on the second Tuesday after the first Monday of November. (Hurd's Stat. 1919, ch. 34, par. 92.)

**Hearing, decision, appeal.** Contests of petition or affidavit in county seat elections are given precedence over all other cases at the September term of the county court, at which term evidence is heard for or against the petition or affidavit.

In case of a single petition having two-fifths of valid signatures attached to it, an election is ordered as prayed therein. In case of two petitions praying for removal to different points, each petition being signed by two-fifths of the legal voters of the county, the election is ordered upon the petition which prays for removal of the county seat nearer to the geographical center of the county if such petition is signed by a number of legal names equal to or greater than one-half of the sum of the legal names signed to the two petitions; the election is ordered upon the other petition if it is signed by a number of legal voters equal to three-fifths of the sum of the legal names signed by the two petitions; and which decision is in all cases final. (Hurd's Stat. 1919, ch. 34, pars. 93, 97, 98.)

**Notice of application, publication and posting.** Ten days before circulating a petition for an election upon the removal of a county seat from the present location to another point within the county, a notice of the intention to circulate such petition,

setting forth such intention, is published in some newspaper printed in the county and posted in three public places at the county seat, one at the court house door, and a like number of notices is posted at the place to which the county seat is proposed to be removed. (Hurd's Stat. 1919, ch. 34, par. 93.)

**Notice of hearing, publication.** Within ten days of the filing of the petition and affidavit in case of a traverse of the affidavit and of the petition, the county clerk causes the publication in one or more of the newspapers published in the county or in the county nearest to the county seat if there be no county newspaper, of a notice setting forth the substance of the petition and affidavit, the time when and where they were filed and giving notice that on the first day of the next September term of court testimony for and against the traverses of the affidavit and of the petition will be heard. (Hurd's Stat. 1919, ch. 34, par. 97.)

**Petition, requirements, filing.** A petition praying for an election for the removal of a county seat from the present location to some other point (as nearly central as practicable) within the county is addressed to the county court, states the time when such election shall be held (which must be the second Tuesday after the first Monday of November), is signed after a notice of intention to circulate such petition has been given by two-fifths of all the legal voters who voted at the last preceding presidential election and who are not residents of the

city or township in which the county seat is located, giving the name of the city and ward in which they reside or the name of the precinct or township if not residing in a city, and filed in the office of the county clerk not less than forty nor more than eighty days before the next September term of the county court, with an affidavit by three legal voters of the county stating whether or not the point named in said petition to which it is proposed to remove the county seat is nearer to or further from the center of the county than the county seat. (Hurd's Stat. 1919, ch. 34, pars. 92, 93, 94.)

**Subpoenas.** In a contest of a petition or affidavit for the removal of a county seat, witnesses may be subpoenaed at the instance of any legal voter of the county for the purpose of sustaining the petition or affidavit. (Hurd's Stat. 1919, ch. 34, par. 97.)

**Traverse of affidavit.** Within ten days of the filing of a petition to remove a county seat, any three legal voters of the county may traverse the affidavit filed with the petition as to nearness of the proposed location to the center of the county. (Hurd's Stat. 1919, ch. 34, par. 93.)

**Traverse of petition, filing.** Any legal voter at the general election in the county may contest a petition for the removal of the county seat upon filing with the county clerk, ten days before the September term of the county court, a list of names of persons whose right to sign the petition is ques-

tioned and a list of names of persons who are believed to be fictitious, separately verifying each list, that the affiant has good reason to believe and does believe, as to the one list that the persons named therein are not legal voters of the county and have no right in law to sign the petition and as to the other, that the names therein are fictitious. (Hurd's Stat. 1919, ch. 34, par. 96.)

#### COUNTY SUPERINTENDENT OF HIGHWAYS,

**Appointment.** A county superintendent of highways is appointed by order of the county board from an eligible list certified to them by the Department of Public Works and Buildings. (Hurd's Stat. 1919, ch. 121, par. 8.)

**Eligibility.** No one but a resident of the county who has passed a satisfactory examination is eligible for appointment to the office of county superintendent of highways unless the second list submitted by the Department of Public Works and Buildings furnishes no qualified person for the position; in which case, a non-resident is eligible if he has passed satisfactorily an examination. (Hurd's Stat. 1919, ch. 121, par. 8.)

**Selection.** A list of three to five persons as desirable candidates for the office of county superintendent of highways is submitted by each county board to the Department of Public Works and Buildings, which determines by competitive exam-

ination the persons best fitted for the office and certifies their names to the respective county boards. In case no selection can be made from the first list, further lists may be submitted in like manner. (Hurd's Stat. 1919, ch. 121, par. 8.)

**Term of office.** The term of office of county superintendent of highways is six years and until a successor is appointed and qualified. (Hurd's Stat. 1919, ch. 121, par. 8.)

**Vacancy.** In case of vacancy and a temporary emergency, the Department of Public Works and Buildings may designate a competent person to perform the duties of county superintendent of highways during the existence of such emergency. (Hurd's Stat. 1919, ch. 121, par. 8.)

## COUNTY SUPERINTENDENT OF SCHOOLS,

**County board of education.** The county superintendent of schools is by virtue of his office a member and secretary of the county board of education. (Hurd's Stat. 1919, ch. 122, pars. 99, 100.)

**Election.** In the fall of 1922 and every four years thereafter, there will be elected in each county of the state a county superintendent of schools. (Hurd's Stat. 1919, ch. 122, par. 5.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general elec-

tion in the county are necessary to a nominating petition for the office of county superintendent of schools; which petition is filed with the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for county superintendent of schools are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Qualification.** A candidate for the office of county superintendent of schools must possess good character, be actually engaged in educational work, must hold a valid county supervisory or a state certificate, and must have at least a teaching experience of four years. (Hurd's Stat. 1919, ch. 122, par. 5.)

**Term of office.** County superintendents of schools are elected for a term of four years commencing with first Monday of August next after their election. (Hurd's Stat. 1919, ch. 122, par. 5.)

**Vacancy.** A vacancy in the office of county superintendent of schools is filled by appointment by the county board; or the vacancy is filled by the county board and the county judge, the latter casting a deciding vote in case there is a tie or no appointment has been made by the county board within thirty days of the time that a vacancy occurs and the clerk of the county board has summoned

the county judge and the members of the county board for the purpose. (Hurd's Stat. 1919, ch. 122, par. 209.)

### COUNTY SURVEYOR,

**Election.** In the fall of 1924 and every four years thereafter, there will be elected a county surveyor in each county of the state. (Hurd's Stat. 1919, ch. 46, par. 23.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general election in the county are necessary to a nominating petition for the office of county surveyor; which petition is filed with the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for county surveyor are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Term of Office.** County surveyors are elected for a term of four years commencing with the first Monday in December after their election. (Hurd's Stat. 1919, ch. 46, par. 23.)

**Vacancy.** A vacancy occurring at any time in the office of county surveyor is filled by the county board until the next county or precinct election. (Hurd's Stat. 1919, ch. 46, par. 133.)

## COUNTY TREASURER,

**County assessor and supervisor of assessments.**

In counties of less than 125,000 inhabitants not under township organization, the county treasurer is ex officio county assessor. In counties of less than 125,000 inhabitants under township organization, the county treasurer is ex officio supervisor of assessments. (Hurd's Stat. 1919, ch. 120, pars. 295, 296.)

**Drainage district treasurer.** In special drainage districts, the county treasurer is ex officio treasurer of the district. (Hurd's Stat. 1919, ch. 42, par. 77.)

**Election.** In the fall of 1922 and every four years thereafter, there will be elected in each county of the state a county treasurer. (Hurd's Stat. 1919, ch. 46, pars. 21, 22.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general election in the county are necessary to a nominating petition for the office of county treasurer, which petition is filed with the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for county treasurer are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)



**Number.** This state has one hundred and two county treasurers.

**Qualification.** A county treasurer is ineligible for re-election for four years after the expiration of his term. (Hurd's Stat. 1919, ch. 46, pars. 21, 22.)

**Term of office.** County treasurers' commence their term of office on the first Monday of December after their election and hold office for four years. (Hurd's Stat. 1919, ch. 46, pars. 21, 22.)

**Town collector.** The county treasurer is ex officio town collector and supervisor in townships lying wholly within a city of more than 50,000 inhabitants and that have adopted the Township Act of 1901. (Hurd's Stat. 1919, ch. 24, par. 644.)

**Vacancy.** A vacancy occurring at any time in the office of county treasurer is filled by the county board until the next county or precinct election. (Hurd's Stat. 1919, ch. 46, par. 133.)

#### COUNTY TUBERCULOSIS SANITARIUM DIRECTORS,

**Appointment.** Before the first of July annually, after the first appointment, the chairman or president of the county board, with the approval of the county board, appoints one director of the county tuberculosis sanitarium, who, with two others previously appointed, constitute its board of directors. (Hurd's Stat. 1919, ch. 34, pars. 147, 148.)

**Qualification.** At least one of the directors of a county tuberculosis sanitarium must be a licensed physician and the others are chosen with reference to their special fitness for the office. (Hurd's Stat. 1919, ch. 34, par. 147.)

**Term of office.** A person appointed director of a county tuberculosis sanitarium holds office for a term of three years and until his successor is appointed. (Hurd's Stat. 1919, ch. 34, par. 148.)

**Vacancy.** A vacancy in the office of director of a county tuberculosis sanitarium is filled in like manner as in case of original appointment. (Hurd's Stat. 1919, ch. 34, par. 149.)

#### COURT OF CLAIMS JUDGES,

**Appointment.** The Governor, by and with the advice and consent of the senate, appoints a chief justice and two judges to act as members of the court of claims. (Hurd's Stat. 1919, ch. 37, par. 331.)

**Term of office.** The chief justice and judges of the court of claims hold office for a term of four years from the second Monday in January next after the election of a Governor until a successor is appointed and qualified. (Hurd's Stat. 1919, ch. 37, par. 332.)

**Vacancy.** In case of a vacancy during recess of the senate, the Governor makes a temporary ap-

pointment until the next meeting of the senate. (Hurd's Stat. 1919, ch. 37, par. 331.)

### CRIMINAL COURT CLERK,

As to bond, commission and oath, see Official bond, Official oath and Commission.

**Election.** At the fall election of 1922, a clerk of the criminal court of Cook County will be elected and every four years thereafter. (Hurd's Stat. 1919, ch. 46, par. 20.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general election in the county are necessary to a nominating petition for the office of clerk of the criminal court of Cook county; which petition is filed with the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for clerk of the criminal court of Cook county are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

Term of office, see Election.

CUMULATIVE VOTING. see CANVASSING VOTES. REPRESENTATIVE IN THE GENERAL ASSEMBLY.

DEPARTMENT REPORTS SUPERINTEND-  
ENT,

Appointment and term of office, see Governor,  
civil administrative officers.

DEPOSITIONS, see EVIDENCE AND DEPO-  
SITIONS.DISTRICT CLERK, see ROAD DISTRICT  
CLERK.

## DRAINAGE COMMISSIONERS,

**Ex officio.** In drainage districts in counties  
under township organization the highway commis-  
sioners in their respective towns constitute the  
drainage commissioners. (Hurd's Stat. 1919, ch.  
42, par. 75.)

DRAINAGE COMMISSIONERS, see COM-  
BINED DRAINAGE and SPECIAL DRAIN-  
AGE COMMISSIONERS.DRAINAGE COMMISSIONERS, see HIGH-  
WAY COMMISSIONERS, EX OFFICIO.

## ELECTION CALENDAR,

**Note.** As to the election of constables, justices of the  
peace and sanitary district trustees, see each individual  
title.

**1922 and annually, April, first Tuesday:** City officers in counties under township organization; officers in cities containing one or more town; town officers and village officers in villages coinciding with the boundaries of a town.

**1922 and annually, April, third Tuesday:** Aldermen, mayor and three village trustees.

**1922 and annually, April, third Saturday:** Board of education and school directors.

**1922 and annually, November, Tuesday after the first Monday:** County commissioner in counties not under township organization.

**1922 and every second year, November, Tuesday after the first Monday:** Representative in Congress, Representative in the General Assembly, state treasurer and three university trustees.

**1922 and every four years, November, Tuesday after the first Monday:** County clerk, county judge, county superintendent of schools, county treasurer, criminal court clerk, probate clerk, probate judge, sheriff, superintendent of public instruction and state senators in odd numbered districts.

**1922 and every six years, November, Tuesday after the first Monday:** Nine associate justices municipal court.

**1923 and every second year, April, third Tuesday:** Village president and three village trustees.

**1923 and every four years, April, third Tuesday:** Mayor and commissioners.

**1923 and every six years, November, Tuesday after the first Monday:** Ten superior court judges.

**1924 and every four years, November, Tuesday after the first Monday:** Attorney general, auditor of public accounts, circuit clerk, county auditor, county surveyor, coroner, governor, lieutenant governor, presidential and vice presidential electors, recorder, secretary of state, state's attorney, state senators in even numbered districts, superior court clerk.

**1924 and every six years, November, Tuesday after the first Monday:** Board of assessors, board of review, bailiff municipal court, chief justice and nine associate justices municipal court, clerk municipal court, United States senator.

**1924 and every nine years, June, first Monday:** Supreme Court judge for the first, second, third, sixth and seventh district.

**1925 and every six years, April, first Tuesday:** One superior court judge.

**1925 and every six years, June, first Monday:** Six superior court judges.

**1926 and every six years, November, Tuesday after the first Monday:** Appellate court clerk, nine associate justices municipal court, Supreme Court clerk, United States senator.

**1927 and every six years, June, first Monday:** Circuit judges, one superior court judge.

**1927 and every nine years, June, first Monday:** Supreme Court judge, fifth district.

**1928 and every six years, June, first Monday:** Six superior court judges.

**1930 and every nine years, June, first Monday:** Supreme Court judge, fourth district.

**City elections.** An annual city election is held on the first Tuesday in April in cities that are not coextensive with a town and in cities that have adopted the City Election Law in counties under township organization, and on the third Tuesday in April in cities that are coextensive with a town. (Hurd's Stat. 1919, ch. 24, pars. 48, 298.)

**Fall election.** Fall elections under the present Constitution and laws are held on the Tuesday next after the first Monday in November of the year designated for such elections.

**Holiday.** The date designated by statute although it falls on a holiday must be the date upon which an election or primary should be held. (1919-20 Atty. Gen. Rep. 978.)

**June election.** Judicial elections are held on the first Monday in June of the particular year in which judges are to be elected.

**Primaries.** Primaries are held—

The last Tuesday in February annually for the first Tuesday in April election;

The second Tuesday in March annually for the third Tuesday in April election;

The second Tuesday in April in Presidential years for the election of delegates and alternate delegates to national nominating conventions and for an advisory vote on candidates for the office of President of the United States;

The second Tuesday in April in years in which officers are voted for the first Tuesday after the first Monday in November;

Three weeks preceding the date of any general election for which nominations are otherwise required to be made. (Hurd's Stat. 1919, ch. 46, par. 457, as amended.)

**Township elections.** On the first Tuesday in April annually are held township elections.

ELECTION CALENDAR, see SCHOOL ELECTIONS.

ELECTION COMMISSIONERS,

Absent voters' ballots, see County clerk.

**Administering oaths, designation.** Under the City Election Law, any commissioner, chief clerk or other persons not to exceed five at any one time may be designated by the election commissioners to administer the oath of office to election judges and clerks. (Hurd's Stat. 1919, ch. 46, pars. 175, 183.)



**Affidavit as to qualifications, blanks.** Election commissioners are required to prepare and furnish to all precincts blank affidavits as to qualifications of registrants or voters who are challenged. (Hurd's Stat. 1919, ch. 46, pars. 199, 233.)

**Affidavits for registration, preparation.** In cities of less than two hundred thousand inhabitants and having a board of election commissioners, the affidavit or affirmation required to be made for the purpose of registering are prepared by the board of election commissioners. (Hurd's Stat. 1919, ch. 46, par. 494.)

**Applications for registration, delivery.** All applications for registration, together with the affidavits, questions and answers certified to, are by the election commissioners enclosed and sealed in envelopes by precincts and with the registers delivered to the respective judges on the day before the second registration day. (Hurd's Stat. 1919, ch. 46, par. 199.)

**Appointment, record.** Within sixty days after the adoption of the City Election Law, the county court appoints in the city, village or incorporated town which has adopted that law, three election commissioners for one, two and three years, respectively, the appointment designating the term for which the commissioner is to hold office and is entered of record. At least two of the appointees must represent two of the leading political parties,

one from each of them. (Hurd's Stat. 1919, ch. 46, pars. 170, 171.)

The appointment of election commissioners by the county court is not in contravention of constitutional provision. *People v. Hoffman* (1886), 116 Ill. 587, 600.

**Assistants.** With the previous consent or subsequent approval of the county court entered of record, a board of election commissioners may employ such assistants as they may deem necessary. (Hurd's Stat. 1919, ch. 46, par. 175.)

**Books and records.** Election commissioners are required to keep books of all judges and clerks of election, to enter their names when persons are selected and notified to appear for examination, and to show their appearance and rejection or excuse on account of ill-health or old age, if such be the case. (Hurd's Stat. 1919, ch. 46, par. 179.)

**Canvassers.** Special directions in regard to the duty to see that no disqualified elector's name appears on the register and concerning penalties for neglect of their duty are given to the canvassers by election commissioners. (Hurd's Stat. 1919, ch. 46, par. 215.)

**Canvassers' record.** A record of all appointments of canvassers is kept in the office of the election commissioners. (Hurd's Stat. 1919, ch. 46, par. 192.)

**Canvassing returns of legislative primary certificate.** The returns of a legislative primary made to a board of election commissioners are canvassed by that board the same as any other returns and a certificate of election is issued by it to the person or persons elected. (Hurd's Stat. 1919, ch. 46, par. 544.)

**Canvassing returns of primary.** Returns of a primary made to a board of election commissioners in cities or villages having such a board are canvassed by that board. (Hurd's Stat. 1919, ch. 46, par. 507.)

**Chief clerk, appointment.** The office of the election commissioners is placed in charge of a chief clerk, who performs his duties under the commissioner's directions. (Hurd's Stat. 1919, ch. 46, par. 175.)

**Cities having election commissioners.** The name of the city and the date upon which it adopted the City Election Law are as follows: Bloomington, November 3, 1914; Cairo, November 8, 1909; Chicago, November 9, 1885; Danville, April 20, 1909; East St. Louis, November 8, 1886; Freeport, November 3, 1914; Galesburg, November 3, 1908; Peoria, November 3, 1914; Rockford, November 14, 1910; Springfield, November 6, 1906.

**Claims, auditing and apportioning.** It is the duty of election commissioners to apportion salaries and expenses and to audit all claims of judges and clerks of election and to draw warrants therefor upon city,

county or township, school or park board. (Hurd's Stat. 1919, ch. 46, pars. 285, 286.)

Compensation, see Salary.

**Convicts and deceased persons, list.** A printed alphabetical list of convicts and deceased persons, with their former residences, is furnished by the election commissioners to the board of registry in each ward or precinct, who are required to note those who have been pardoned. (Hurd's Stat. 1919, ch. 46, par. 187.)

**Docket.** Election commissioners keep a docket in the order of wards and precincts of all applications made for the purpose of being registered or having names erased from the register and of all complaints against violators of the City Election Law. (Hurd's Stat. 1919, ch. 46, pars. 206, 280.)

**Ex officio, town of Cicero.** The election commissioners of Chicago are ex officio election commissioners of the town of Cicero under section 2, article 8 of the City Election Law. *People v. Lueders* (1918), 283 Ill. 283, 286.

**Expenses.** All expenses incurred by the election commissioners are payable by the city. (Hurd's Stat. 1919, ch. 46, par. 281.)

**Expenses, general county and state elections.** A board of election commissioners has power to audit and draw warrants on the county treasurer for the expenses of holding general county and state elec-

tions within a city. *People v. Bowman* (1911), 253 Ill. 234, 239.

**Investigation, clerks or canvassers.** Any unlawful act or acts of a clerk or canvasser is investigated by the election commissioners upon complaint; and if the complaint is well founded, the clerk or canvasser is prosecuted for contempt of court as well as criminally in the discretion of the commissioners. (Hurd's Stat. 1919, ch. 46, par. 202.)

**Jurisdiction.** Except school elections in cities, villages or towns having a population less than 35,000, election commissioners have charge of all elections, general, special, local, municipal, state and county and all others of every description held in a municipality under the City Election Law. (Hurd's Stat. 1919, ch. 46, par. 189.)

**Keeping the peace.** In keeping the peace at their sessions, election commissioners have authority to cause the arrest of persons who disturb the peace or violate the election laws. (Hurd's Stat. 1919, ch. 46, par. 280.)

**List of candidates, county offices.** In preparing for the printing of the ballots, election commissioners are required to call for, and it is the duty of the county clerk to furnish, a list of candidates for the various county offices in the order in which their petitions were filed. *People v. Czarnecki* (1912), 254 Ill. 72, 77.

**Nature of office.** Election commissioners are municipal officers within the meaning of the Constitution of 1870. *People v. Election Commissioners* (1913), 177 Ill. App. 58.

**Objections.** Objections filed against nominations for state offices in cities having a board of election commissioners are considered by that board. (Hurd's Stat. 1919, ch. 46, par. 297.)

**Office, establishment.** Immediately after the commissioners organize as a board, they are required to secure and open an office suitable for the transaction of their official business, to be kept open during business hours upon week days alone. (Hurd's Stat. 1919, ch. 46, par. 173.)

**Organization or reorganization.** Within twenty days of the first appointment or upon a new appointment as commissioners, the persons appointed are required to meet for the purpose of organizing or reorganizing as a board, and from their number to elect a chairman and secretary. (Hurd's Stat. 1919, ch. 46, par. 173.)

**Place of registration, designation.** The election commissioners designate a place in each ward or precinct where the board of registration shall meet. (Hurd's Stat. 1919, ch. 46, par. 197.)

**Postage, auditing account.** The election commissioners deliver to the canvassers a sufficient number of postage stamps for mailing suspect notices; and

in case of failure to do so, the commissioners must audit the postage account of any person or canvasser who has furnished the necessary postage. (Hurd's Stat. 1919, ch. 46, par. 202.)

**Primary ballot.** In printing the official primary ballot, it is the duty of the election commissioners to place thereon the names of all candidates nominated for office to be filled by the electors of the entire city, village or town within the commissioners' jurisdiction as shown by the certificate of the canvassing board on file in their office, as well as of all candidates certified to them by the county clerk for senatorial committeemen, state senators and representatives, with a direction, in small letters, to "vote for one, two or three," as the case may be, below the name of the office of representative in the General Assembly, and placing the names of candidates for senatorial committeemen immediately after the names of candidates for senatorial offices. (Hurd's Stat. 1919, ch. 46, pars. 512, 540, 541.)

**Primary returns.** In cities having a board of election commissioners the returns of a primary are made to that board. (Hurd's Stat. 1919, ch. 46, par. 512.)

Production of ballots, see Evidence.

**Prosecutions.** It is the duty of election commissioners to aid in and institute prosecutions of all crimes and offenses against the City Election Law

whenever there is probable cause of their commission. (Hurd's Stat. 1919, ch. 46, par. 280.)

**Qualification.** An applicant for election commissioner must be a resident of the city, village or incorporated town in which he expects to act, must be a legal voter, a householder, a man of known political conviction, approved integrity and capacity, and be affiliated with one of the leading political parties. If appointed, he cannot hold any other political office. (Hurd's Stat. 1919, ch. 46, par. 171.)

The requirement in the City Election Law (art. 2, § 2), as to the selection of election commissioners from different political parties is a direction to the appointing officer alone and is not a "test" of qualification within the meaning of the present Constitution. *People v. Hoffman* (1886), 116 Ill. 587, 605.

**Register, adding or erasing names.** Upon receipt of a minute from the county court showing the disposition of an application for registration or restoration of voters the commissioners forthwith cause the names approved for registration or restoration to be placed upon the appropriate register, indicating that it was so entered by order of court. (Hurd's Stat. 1919, ch. 46, par. 207.)

**Registers, enclosure.** Each precinct register is enclosed in an envelope and sealed with the stamp of the chief clerk of the election commissioners' office. (Hurd's Stat. 1919, ch. 46, par. 226.)



**Register, loss or mutilation.** In case any register is lost or mutilated, a true copy of the register must be made from the other registers. (Hurd's Stat. 1919, ch. 46, par. 220.)

**Register, return, notation.** Upon receipt of the envelope containing the registers, the election commissioners inspect the seal and the judges' and clerks' signatures, note in a book kept by them the condition of the seal and signatures, write upon the envelope the name of the officer who returned the registers, and open the envelope and remove the registers. (Hurd's Stat. 1919, ch. 46, par. 227.)

**Removal, appeal.** No appeal can be taken from an order of the county court removing an election commissioner. (Hurd's Stat. 1919, ch. 46, par. 172.)

**Removal, complaint, grounds.** An election commissioner may be removed only upon complaint signed by at least twenty-five legal voters of the city, etc., stating the grounds upon which it is based, giving notice and affording the commissioner an opportunity to be heard. The order of removal is entered of record. (Hurd's Stat. 1919, ch. 46, par. 172.)

**Returns, custody.** In cities having election commissioners, it is their duty to safely keep under lock and key until a surrender is lawfully ordered all statements and tallies received by them after a canvass of votes. (Hurd's Stat. 1919, ch. 46, par. 246.)

**Salaries and expenses, apportionment, payment.**

The county and not the city pays the judges and clerks of election when the election is exclusively for judicial officers, when it is special for county or state officers, when the election is for members to Congress or to the state legislature, or when it is general for county and state officers included in which other officers are elected.

A township lying partly within a city pays the salaries and expenses connected with an election in which only township officers are elected.

So, a park or school board pays expenses of an election held solely for the purpose of voting upon a proposition submitted by it. (Hurd's Stat. 1919, ch. 46, par. 285.)

**Salaries and expenses, auditing and payment.** The county judge audits and issues warrants for all salaries and expenditures of election commissioners, chief clerks and assistant chief clerks; the salaries are payable out of the county treasury, whereas the expenditures are payable out of the city treasury, from moneys not otherwise appropriated. (Hurd's Stat. 1919, ch. 46, par. 281.)

**Salary, assistant chief clerk.** In cities between 15,000 and 200,000 population, an assistant chief clerk, if appointed, receives an annual salary of \$1,500 to \$2,400. In cities of more than 200,000 inhabitants, an assistant chief clerk may be employed at an annual salary of \$3,000. (Hurd's Stat. 1919, ch. 46, par. 281, as amended.)

**Salary, chief clerk.** The annual salary of the chief clerk of the election commissioners is \$400 in cities of less than 15,000 population, \$1,500 to \$2,400 in cities of more than 15,000 and less than 200,000 population, \$7,000 in cities of more than 200,000 population, as determined by the last federal census. (Hurd's Stat. 1919, ch. 46, par. 281, as amended.)

**Salary, election commissioners.** Election commissioners are paid annually a salary of \$500 in cities of less than 15,000 population, of \$1,000 in cities of more than 15,000 and less than 200,000 population, of \$4,000 in cities of more than 200,000 population, as determined by the last federal census. (Hurd's Stat. 1919, ch. 46, par. 281, as amended.)

Election commissioners are municipal officers within the meaning of Const. 1870, art. 9, § 11, and no increase in their salaries can take place during their term of office.

The requirement of the City Election Law in art. 8, § 1, that the salary of the election commissioners shall be paid by the county treasurer under appropriate provision for prompt payment, is to secure an equitable apportionment of election costs between county and city on the principle of commutation and is not in violation of the present Constitution, art. 9, § 6. *People v. Election Commissioners* (1913), 177 Ill. App. 58; *People v. Cook County Commissioners* (1913), 260 Ill. 345; *Wetherell v. Devine* (1886), 116 Ill. 631, 642.

**Sanitary district bonds.** Election commissioners have no jurisdiction over an election for authority to issue sanitary district bonds held under the sanitary district Act of 1917. (1919-20 Atty. Gen. Rep. 960.)

Specimen ballot, publication, see County clerk.

**Subpoenas.** Election commissioners may issue subpoenas to witnesses to appear at the hearing of applications made for the purpose of registering or erasing names from the register. (Hurd's Stat. 1919, ch. 46, par. 206.)

**Suspect notices, blanks.** The election commissioners are required to furnish to all canvassers proper suspect notices blanks. (Hurd's Stat. 1919, ch. 46, par. 202.)

**Tenure of office.** After the first appointment each election commissioner holds office for the term of three years. (Hurd's Stat. 1919, ch. 46, par. 170.)

**Vacancy.** In case of a vacancy in the office of election commissioner, the county court names and appoints his successor for the unexpired or full term of three years, as the case may be. (Hurd's Stat. 1919, ch. 46, pars. 170, 171.)

**Visiting polls.** An election commissioner is not in the discharge of his statutory duties when visiting polls to see that an election is conducted properly and peacefully. *People v. Unger* (1915), 193 Ill. App. 471.

Voting machines, adjustment, see County clerk.

### ELECTION CONTEST.

**Abatement Act.** This act applies to such actions as could have been brought in the first instance by the personal representative to whom they survive and does not apply to an election contest which is purely a personal proceeding. *Olson v. Scully* (1921), 296 Ill. 418, 422, 423.

**Abatement of proceeding, death of contestant.** The death of a contestant during the pendency of an election contest abates the proceeding in the absence of a statutory provision which permits the proceeding to survive. *Olson v. Scully* (1921), 296 Ill. 418, 420.)

**Affidavit, sufficiency, perjury.** In verifying a petition for a contested election, the affidavit must be such as to subject the party making it to a prosecution for perjury in case the matter sworn to proves to be false and is sufficient if it states that the affiant read or heard read the petition subscribed by him, that he knows the contents thereof, that the same is true of his own knowledge except as to matters therein stated to be on information and belief, and as to those matters he believes them to be true. *Farrell v. Heiberg* (1914), 262 Ill. 407, 410.)

**Alderman.** The city council, according to rules prescribed by them, and not the courts, determine contests of election of aldermen. *Evanston v. Carroll* (1900), 92 Ill. App. 495, 503.

**Alderman, jurisdiction.** The city council is judge of the election and qualification of its own members. (Hurd's Stat. 1919, ch. 24, par. 34.)

**Aldermen, jurisdiction.** In cities organized under the Cities and Villages Act, the city council and not the county court has jurisdiction in contested elections between persons claiming to have been elected aldermen. *Linegar v. Rittenhouse* (1879), 94 Ill. 208, 210.

Amendments, see Petition.

**Answer, particularity.** The particularity required in an answer in an election contest is less than that to be observed in a petition. *Kreitz v. Behrensmeyer* (1888), 125 Ill. 141, 174.

**Appeal.** In a contested election of precinct committeeman the judgment of the county court is final and not reviewable either on appeal or writ of error. *Cataldo v. Ostiuso* (1912), 253 Ill. 138.

**Appeal, jurisdiction.** In all contested elections in the circuit court or in the county court, appeals may be taken to the Supreme Court in the same manner and upon like condition as in cases in chancery. (Hurd's Stat. 1919, ch. 46, par. 123.)

**Appeal, jurisdiction.** Under § 123 of the Election Law, appeals from the circuit court in election contests are taken direct to the Supreme Court. *Jackson v. Winans* (1919), 287 Ill. 382, 386.

**Appeal, jurisdiction.** An appeal under the statute and not a writ of error is the proper proceeding to review the judgment of the county or circuit court rendered in an election contest. *Hall v. Thode* (1874), 75 Ill. 173.

Judgment or decree of the county or circuit court in a contested election can only be reviewed on appeal to the Supreme Court. *Allerton v. Hopkins* (1896), 160 Ill. 448, 457.

**Appeal, local option.** No appeal can be taken from the decision of the county court in a proceeding to contest a local option election. *Saylor v. Duel* (1908), 236 Ill. 429.

**Appeals, removal of county seat.** An appeal is the only method for reviewing a proceeding to contest an election upon the question of removing a county seat. *Devous v. Gallatin County* (1910), 244 Ill. 40, 44.

**Attorney's fees.** In a contest for member of the Legislature attorneys' fees are allowable on a previous determination by the election committee of the necessity of such services. (1919-20 Atty. Gen. Rep. 382.)

Attorney general, see State officers.

Auditor of public accounts, see State officers.

**Ballots, opening packages.** The parties to an election contest have a right to have the packages containing the official ballots opened in open court or in open session in the presence of the officer who

has charge of them. (Hurd's Stat. 1919, ch. 46, pars. 60, 314.)

**Bill of exceptions.** The settling and signing of a bill of exceptions in an election contest is governed by chancery rules and not by § 81 of the Practice Act. *Brinkman v. Bowles* (1917), 280 Ill. 27, 31.

**Change of venue, prejudice of inhabitants.** Upon an application for a change of venue on the ground of the inhabitant's prejudice, the question is whether, from all the evidence submitted and not merely from the evidentiary facts detailed in the petition; there is in fact a prejudice in the minds of the inhabitants of the county sufficient to raise a reasonable apprehension that the accused will not receive a fair and impartial trial in the county. *People v. Walker* (1913), 179 Ill. App. 455, 461.

**Circuit court, jurisdiction.** The circuit court has exclusive jurisdiction in contest for the office of supreme court judge, supreme court clerk, circuit court judge, superior court judge, county judge, mayor, president of the county board, president of village, the removal of county seat and proposition embracing entire county, and concurrent jurisdiction with the county court in contest for county, township and precinct offices and in contests for which no provision is made. (Hurd's Stat. 1919, ch. 46, pars. 96, 97, 98.)

**Circuit judge, jurisdiction.** Any elector of the judicial district of a person elected circuit judge may



within thirty days after the declaration of the result of the election contest it in the circuit court; but no judge of such court can sit in his own case. (Hurd's Stat. 1919, ch. 46, pars. 96, 112, 113.)

**City attorney, jurisdiction.** In cities organized under the Cities and Villages Act the county court has jurisdiction to hear and determine election contests for the office of city attorney. *Greenwood v. Murphy* (1890), 131 Ill. 604.

**City clerk, jurisdiction.** A circuit court has jurisdiction of an election contest for the office of city clerk. *Smith v. Reid* (1906), 223 Ill. 493, 494.

**City council, rules.** A city council may provide by ordinance that any elector of the city may contest the election of one of its members and that the proceeding shall be in accordance with the general laws of the state regulating contests for county offices; in which case, a majority of the aldermen elected is all that is necessary to determine the contest. *Evanston v. Carroll* (1900), 92 Ill. App. 495.

**City office, jurisdiction.** An election contest of a city office cannot be tried in the county court unless the city is incorporated under the Cities and Villages Act. *Young v. Adam* (1874), 74 Ill. 480.

**Commencement of action.** In a contested election, the filing of the statement or petition and not the issuance of the summons is the commencement of the suit. *Zimmerman v. Cowan* (1883), 107 Ill. 631, 637.

**Consolidation of cases.** The trial court may in its sound discretion permit the consolidation of two or more contested election cases involving the same questions. *Irmegar v. Tazewell County* (1914), 264 Ill. 172, 177.

**Constitutional amendment and public measure, jurisdiction.** Any five electors within a municipality or a subdivision of the state may contest in the circuit or superior court the election upon a constitutional amendment or public measure within thirty days after the result of the election has been determined. (Hurd's Stat. 1919, ch. 46, par. 117, as amended.)

Contested nominations, see Nominations.

**Costs.** In election contests, it is discretionary with the court to award costs or not except in cases of dismissal, when the contestee is entitled to costs by virtue of the Cost Act. *Brueggemann v. Young* (1906), 128 Ill. App. 200, 204; Cost Act, § 18.

In case of judgment against interveners in a contest of an election upon a constitutional amendment or public measure affecting the entire state, the court may tax such costs against the interveners as it may deem just. (Hurd's Stat. 1919, ch. 46, par. 118, as amended.)

**Note.** No direct statutory provision exists regarding costs in cases of election contest. *Brueggemann v. Young* (1906), 128 Ill. App. 200, 203.

**County court, jurisdiction.** The county court has jurisdiction in all contests for county, township and

precinct offices and in all other offices for which no express provision exists. (Hurd's Stat. 1919, ch. 46, par. 98.)

**County judge, jurisdiction.** Any elector of the county may within thirty days after the result has been declared contest the election of county judge in the circuit or in the superior court if in Cook county. (Hurd's Stat. 1919, ch. 46, pars. 97, 112, 113.)

**County court, jurisdiction.** The power of a county court in an election contest extends only to determining which of the contestants has been duly elected. *Greenwood v. Murphy* (1890), 131 Ill. 604, 608.

The county court has no jurisdiction to determine the validity of an election and the qualifications of candidates, nor has it the right to control the organization of a county convention. *People v. McWeeney* (1913), 259 Ill. 161, 170, 171.

**County seat election, jurisdiction.** Courts of equity have jurisdiction in all cases of contested county seat elections, have power to investigate and determine all questions of fraud connected therewith, the total number of legal voters of the county at the time of such election entitled to vote on the question, whether they voted or not, whether or not such election was fairly carried by three-fifths or a majority of all the legal voters of the county, and to purge the poll books and returns of all illegal

votes. (Hurd's Stat. 1919, ch. 34, par. 103; ch. 46, par. 97.)

**Decree, amendment or vacation.** In an election contest a decree during the same term it has been entered may be revised, corrected, amended or held in abeyance until issues upon an intervening petition can be formed, heard and determined. *Weinberg v. Noonan* (1901), 193 Ill. 165, 171.

**Decree, setting aside.** It is a court's duty to set aside during the term a decree which is based upon insufficient evidence, fraud or collusion. *Bahe v. Jones* (1890), 132 Ill. 134.

**Decree, setting aside election.** An entire election will not be set aside if there is no difficulty in determining for whom the qualified electors attempted to vote and the proper result can be reached with certainty. *Bloome v. Hograeff* (1901), 193 Ill. 195, 198.

**Defendants.** All of the candidates for a contested office are necessary parties, unless at a hearing it be shown that the rights of the omitted party could in no way be affected by the decree. *Arnold v. Keil* (1911), 252 Ill. 340, 342; *Conway v. Sexton* (1909), 243 Ill. 59, 61.

**Defendants, constitutional amendment and public measure.** In a contest upon a public measure, the particular municipality or subdivision of the state affected may be made a party defendant; in a con-

test of a constitutional amendment or public measure affecting the entire state, no defendant need be specified. (Hurd's Stat. 1919, ch. 46, par. 117, as amended.)

**Defendants, county seat election.** Any legal voter or tax-payer of the county as well as the town, city or village from which removal of a county seat is sought may be made or on petition may become a party complainant or defendant. (Hurd's Stat. 1919, ch. 34, par. 103; ch. 46, par. 118.)

The county is an indispensable party in a contested election to remove a county seat, for no other party represents or is authorized to represent the public interests. *Metamora v. Eureka* (1896), 163 Ill. 9, 15.

**Defendants, resignation.** No contest can be instituted against a person who resigns the office to which he was fraudulently declared elected. *Holt v. Willett* (1911), 252 Ill. 233, 235.

**Defendant, when not necessary party.** A candidate for an office who is lowest on the ticket and who concedes the election to either one of two other candidates for the same office is not a necessary party in a contest between them. *Mayfield v. Miles* (1914), 266 Ill. 186.

**Defenses, oath of office.** The requirement that the oath of office shall be taken within a specified time is inapplicable to a contestant who is not in

office. *Kreitz v. Behrensmeyer* (1894), 149 Ill. 496, 505.

**Defenses, official bond.** The requirement to qualify within a prescribed time does not apply to a contestant until the determination of the election contest. *Kreitz v. Behrensmeyer* (1894), 149 Ill. 496, 505.

**Defenses, surrender of office, refusal.** A defeated candidate cannot lawfully refuse to vacate his office on the ground of fraud in the election and the pendency of a contest against an opponent who has received and holds a certificate of election from the county clerk, who has taken the oath of office and has given bond, and who has demanded the surrender of the office. *People v. Head* (1861), 25 Ill. 325.

**Deceased voter.** Casting the ballot of a deceased absent voter does not invalidate the election. (*Hurd's Stat.* 1919, ch. 46, par. 565.)

**Dismissal, nature.** The dismissal of a petition for the contest of an election in pursuance to an order of remandment from the Supreme Court does not involve an election contest when the sole question is the taxing of costs. *Brueggeman v. Young* (1906), 128 Ill. App. 200, 202.

**Dismissal of petition.** After the expiration of the time for filing a petition to contest an election upon a subject which has been submitted to a vote of the people, petitioners will not be permitted to withdraw

their names for the purpose of dismissing the petition without an investigation of the election. *Irme-gar v. Tazewell County* (1914), 264 Ill. 172, 177.

**Dismissal of bill or petition, grounds.** The omission of an indispensable party defendant to a bill or petition is ground for dismissing it for want of jurisdiction. *Metamora v. Eureka* (1896), 163 Ill. 9, 16.

**Drainage commissioners, jurisdiction.** Drainage commissioners are "officers" within the meaning of section 98 of the General Election Law, whose election may be contested in the county court. *Murdock v. Weimer* (1894), 55 Ill. App. 527.

**Election contest and validity of election distinguished.** There is a clear distinction between an election contest and the question of the validity of an election. In a contest, the only inquiry is as to who was elected; while the question of validity involves questions of power or authority to hold the election. This distinction is recognized in *O'Connor v. Evanston High School District* (1919), 288 Ill. 240.

**Equity jurisdiction.** In the absence of statute and under its general powers, a court of chancery has no jurisdiction in contested elections. *Jennings v. Joyce* (1886), 116 Ill. 179; *Moore v. Hoisington* (1863), 31 Ill. 243; *O'Connor v. High School Board* (1917), 278 Ill. 618, 621.

Equity has no jurisdiction in contested elections between persons, but has jurisdiction in an election contest involving the removal of a county seat, the jurisdiction being based upon the citizens' right to transact public business. *Douglas v. Hutchinson* (1899), 183 Ill. 323, 329.

**Eligibility, jurisdiction.** The eligibility of candidates may be questioned in quo warranto but not in a contested election. *Edgcomb v. Wylie* (1911), 248 Ill. 602.

Equity jurisdiction, see Injunction, canvassing votes.

**Estoppel, election of mayor.** The presence of an alderman at the time the result of the election of mayor is announced and participation in his installation does not estop such alderman from contesting the election if at the time he has no knowledge of the facts or circumstances suggesting a doubt of the correctness of the canvass. *Murphy v. Battle* (1895), 155 Ill. 182, 189.

Governor, see State officers.

Grounds, see Irregularities, using intoxicating liquor.

**Hard road tax, jurisdiction.** The county court has no jurisdiction to pass upon alleged irregularities and mistakes in the counting of votes for and against a proposition to levy a special tax for a gravel or hard road. *Shirar v. Elbridge Township* (1911), 249 Ill. 617.



**Hearing.** An election contest upon a constitutional amendment or public measure affecting the entire state is heard and determined within ten days after notice to the attorney general. (Hurd's Stat. 1919, ch. 46, par. 117, as amended.)

**Hearing, Circuit and County Court.** Ten days after service of process in an election contest or at any time after the defendant is required to appear, the case may be heard in vacation or in term time in the same manner and upon like notice as cases in chancery.

The court has power to enforce all necessary orders for the preservation and production of the ballots, poll books, tally papers, returns, registers and other relevant papers or evidence; and the parties have the right to have the packages of the ballots opened in open court or in open session in the presence of the officer having charge of them, and all errors of the judges in counting or refusing to count ballots corrected. (Hurd's Stat. 1919, ch. 46, pars. 60, 115, 116, 314.)

**Hearing, mayor.** On a petition contesting the nomination of a candidate for mayor or commissioner, the hearing must not be more than five days after the petition is filed and has preference in the order to all other cases. (Hurd's Stat. 1919, ch. 24, par. 193b18.)

**Hearing, member of the General Assembly.** In a contest for member of the General Assembly,

either house may grant commissions to take depositions or send for and examine witnesses it may desire to hear on the trial. (Hurd's Stat. 1919, ch. 46, par. 111.)

**Hearing, premature.** On a petition contesting an election, a court has no power to force an immediate hearing upon the return day and before the expiration of the time permitted by law for filing a replication. *Rodman v. Wurzburg* (1899), 183 Ill. 395, 398.

**Hearing, State officers.** The two houses, at a joint session in the House of Representatives, the Speaker of the House presiding, hear and determine contests for state office on a date fixed by joint resolution for the meeting. The vote is taken by yeas and nays and is thus entered upon the journal. (Hurd's Stat. 1919, ch. 46, pars. 94, 104.)

**High school district, discontinuing, jurisdiction.** A county court has no jurisdiction in contests of election on a proposition to discontinue a high school district. *Taylor v. School Trustees* (1915), 271 Ill. 150.

**Interveners.** Any elector or electors of the state or municipality may intervene on behalf of the prosecution or defense of an election contest upon a constitutional amendment or public measure. (Hurd's Stat. 1919, ch. 46, par. 118, as amended.)

**Intervening petition, practice.** An intervening petition that has been permitted to be filed under

leave of court during the same term a decree has been entered cannot be ordered stricken from the files on the court's own motion, but the court should either vacate the decree or hold it in abeyance until the defendant has been required to plead, answer or demur to such petition and the issue raised thereby has been heard and determined. *Weinberg v. Noonan* (1901), 193 Ill. 165, 171.

**Irregularities, abbreviated names.** The use of abbreviations in a candidate's name or the omission of his Christian name will not invalidate a ballot if the intention of the voter can be given effect. *Clark v. Robinson* (1878), 88 Ill. 498, 508.

**Irregularities, absence of election judge.** Failure of the regular judges of election to be present at the polls on election day will not of itself invalidate an election in the absence of allegation and proof that the statute with reference to the selection of substitutes has been violated. *People v. Logan County* (1872), 63 Ill. 374, 382.

**Irregularities, adjournment or recess.** Taking a recess or adjournment by judges and clerks of election against the positive provisions of a statute which does not fix a penalty, is not such an irregularity as to require the exclusion of an entire precinct in the absence of wrongful intent or injurious effect. *DuPage County v. People* (1872), 65 Ill. 360, 362.

**Irregularities, appointment of judges and clerks of election.** Failure to specify in an appointment who shall act as judges and who as clerk at a school election, which omission is subsequently corrected by oral designation, is not an irregularity that invalidates an election, in the absence of proof that the result was thereby affected. *People v. Kinsey* (1920), 294 Ill. 530, 531.

**Irregularities, ballots, missing.** The unaccounted loss or destruction of ballots at the time of canvassing the returns is no ground for the exclusion of an entire precinct in the absence of fraud. *Beardstown v. Virginia* (1875), 76 Ill. 34, 45.

**Irregularities, blurred ballot.** A ballot that is printed double and has a peculiar blurred appearance, if otherwise properly marked, is a valid ballot. *Slenker v. Engel* (1911), 250 Ill. 499, 507.

**Irregularities, canceled name.** Three lines drawn through the name of a candidate and a cross made in the square opposite his opponent, although improper, does not invalidate the ballot. *Tandy v. Lavery* (1902), 194 Ill. 372, 375.

Two parallel lines drawn through the name of a candidate and the name of another person written in does not constitute a distinguishing mark. *Hennessey v. Porch* (1910), 247 Ill. 388, 391.

The erasure or cancellation of the name of a candidate under a party circle containing a cross shows an intention not to vote for such candidate, although

the name of no other candidate has been written in. *Brents v. Smith* (1911), 250 Ill. 521, 528.

**Irregularities, cancellation or erasure.** The cancellation or erasure by two diagonal pencil lines of the names of candidates of all of the party tickets on the ballot, except the party ticket or candidate voted for, constitutes a distinguishing mark and invalidates the ballot. *Kerr v. Flewelling* (1908), 235 Ill. 326, 338.

**Irregularities, canvassing votes.** The fact that the votes were canvassed in a room other than the one in which the election was held, in the same building, is no ground for the exclusion of the entire precinct or district when the irregularity in no way affected the result of the election and in the absence of evidence tending to prove fraud or improper motives on the part of the election officers. *Behrens-meyer v. Kreitz* (1891), 135 Ill. 591, 608.

**Irregularities, certification of returns.** The omission to certify to the returns of a precinct does not authorize their rejection on a re-count, but is only cause for refusing to canvass the precinct until the election officers shall have certified the returns in accordance with the statute. *Choisser v. York* (1904), 211 Ill. 56, 62.

**Irregularities, Christian name.** The omission of the Christian name from a candidate's name who has several of the same surname residing in the precinct or district and eligible to the office makes it difficult

to determine the voter's intention and invalidates the ballot. *Sievers v. Hannah* (1921), 296 Ill. 593, 597.

**Irregularities, circle.** The name of a candidate written in without placing a cross opposite it under one column does not overcome an intention to vote a straight ticket expressed by a cross placed in the party circle. *Sievers v. Hannah* (1921), 296 Ill. 593, 597.

A cross in one party circle and another cross drawn through the middle of the candidate's name of another party, expresses no choice. *Grubb v. Turner* (1913), 259 Ill. 436, 442.

A cross in the party circle includes a name written in as well as names printed upon the ballot. *Isenburg v. Martin* (1920), 293 Ill. 408, 414.

**Irregularities, circle and squares.** Crosses made in a party circle and opposite the names of some of the candidates under it does not invalidate the ballot. *Winn v. Blackman* (1907), 229 Ill. 198, 206.

A line drawn across a party circle and crosses made in the squares opposite all of the candidates under the circle shows a change in the method of voting and is not a distinguishing mark. *Winn v. Blackman* (1907), 229 Ill. 198, 210.

A cross in the Republican and also in the Democratic circles neutralizes each other and will not affect a vote for a candidate under one of these party appellations if there is also a cross against his name. *Isenburg v. Martin* (1920), 293 Ill. 408, 413.

**Irregularities, circle, double cross.** Two crosses instead of one marked in a party circle do not vitiate the ballot if it appears that the voter might have thought the second cross was necessary to more clearly designate his choice. *Tandy v. Lavery* (1902), 194 Ill. 372, 375.

**Irregularities, circles.** A cross in the circle at the left as well as at the right of a party appellation under which names of candidates are printed is a valid straight ballot for such party, where there is no name printed or written in the column under the circle at the right; but a cross in the last mentioned circle and no cross at the left of the party appellation is no vote for such party. *Patterson v. People* (1895), 65 Ill. App. 651, 654.

The marking in two or more party circles nullifies the ballot only insofar as the tickets contain the names of candidates for the same office. *Isenburg v. Martin* (1920), 293 Ill. 408, 416; *Winn v. Blackman* (1907), 229 Ill. 198, 218.

**Irregularities, closing polls.** Closing polls one hour earlier than the statutory time will not invalidate an election if it is not alleged or proved that legal voters were thereby deprived of voting and it is not shown that either the officers or the candidates were guilty of fraud in conducting the election. *Cleland v. Porter* (1874), 74 Ill. 76.

**Irregularities, colored slips.** A piece of colored paper folded in a ballot invalidates the ballot, where

it appeared that a worker at the election offered to pay two dollars to those who could identify themselves as having voted a straight ticket. *Choisser v. York* (1904), 211 Ill. 56, 61.

**Irregularities, construction.** That construction will be adopted which will give effect to a ballot rather than the one which will invalidate it when the ballot is equally susceptible of the two constructions. Page v. *Kuykendall* (1896), 161 Ill. 319, 326.

**Irregularities, cross.** A straight line running diagonally from the upper right-hand corner of the square to the lower left-hand corner, cut by three short lines at approximately a right angle, indicates an intention to comply with the statute. *Sievers v. Hannah* (1921), 296 Ill. 593, 597.

**Irregularities, cross.** A cross made partly within and partly without a circle shows an intention to comply with the statute and does not invalidate the ballot. *Patterson v. People* (1895), 65 Ill. App. 651, 655.


A cross placed outside circle or square is not in compliance with the statute and does not express a choice of candidates. *Rexroth v. Schein* (1903), 206 Ill. 80, 102.

A cross made after instead of in the square opposite the name of a candidate expresses no choice. *Slenker v. Engel* (1911), 250 Ill. 499, 504.

A cross made in the form of the capital letter "T" is a sufficient compliance with the statute. *Slenker v. Engel* (1911), 250 Ill. 499, 508.



Lines which intersect and cross within a circle or square, although slightly or imperfectly, constitute a cross if there appears an honest attempt to comply with the law. *Brents v. Smith* (1911), 250 Ill. 521, 527.

A short stroke of the pencil, followed by another like stroke at right angles with the first and intersecting it, thus , is no cross and does not express a choice. *Winn v. Blackman* (1907), 229 Ill. 198, 209.

The lines forming a cross must meet or intersect within the proper circle or square; and if the lines forming the cross meet entirely out of the square or circle, there is no choice expressed. *Smith v. Reid* (1906), 223 Ill. 493, 497.

If the intersection of the lines constituting the cross is outside of the square, the statutory requirement for marking a ballot has not been complied with. *Kerr v. Flewelling* (1908), 235 Ill. 326, 334.

A cross placed to the right instead of to the left of a name written upside down invalidates the vote or ballot. *McCreery v. Burnsmier* (1920), 293 Ill. 43, 53.

**Irregularities, cross, imperfect.** A cross formed by a line drawn from the upper right-hand corner of a square toward the lower left-hand corner and intersected by a line drawn from the top of the square toward the bottom with a slight fork at the top of the square, shows an honest intention to comply with the statute. *Atwater v. Eckard* (1918), 282 Ill. 122, 127.

An irregular shaped mark resembling a T in the proper place on the ballot shows an honest attempt of the voter to comply with the statute. *Arnold v. Keil* (1911), 252, Ill. 340, 344.

So, a cross in a circle is sufficient if made by a line drawn diagonally from the upper right-hand part of the circle to the lower left-hand part and intersected by another line running from the upper left-hand part of the circle to about the center slightly crossing the first line and extending in the same general direction. *Atwater v. Eckard* (1918), 282 Ill. 122, 128.

**Irregularities, cross, insufficient.** A single mark made across or through the circle or square, or a circle made within a circle or square, or a cross made outside, although opposite the name of a candidate, is in plain disregard of the statute and destructive of the secrecy of the ballot. *Parker v. Orr* (1895), 158 Ill. 609, 617.

**Irregularities, cross, check-mark.** A mere check-mark is not a cross and if used in voting invalidates the vote. *Isenburg v. Martin* (1920), 293 Ill. 408, 414.

**Irregularities, cross in party circles and square.** A cross against the name of a candidate and a cross against his party circle and also in another party circle is a vote for such candidate, the crosses in the two party circles being equivalent to a cross for neither. *Perkins v. Bertrand* (1901), 192 Ill. 58, 65.

**Irregularities, cross of three lines.** A three instead of a two-line cross in a square or circle of a ballot is an irregularity which does not vitiate the ballot when there appears an honest intention to comply with the law. *Tandy v. Lavery* (1902), 194 Ill. 372, 373.

**Irregularities, cumulative voting.** A ballot which in all other respects is free from objection is not invalid because the voter has attempted to cumulate his vote under a mistaken idea that he could do so, or has cumulated his vote improperly. *Slenker v. Engel* (1911), 250 Ill. 499, 509.

**Irregularities, delivery of ballots.** The ballots of a precinct properly sealed will not be excluded on the ground that they were not delivered by the proper person or officer. *Welsh v. Shumway* (1908), 232 Ill. 54, 58.

**Irregularities, delivery of ballot.** Handing a ballot that has been voted to a person standing two feet from the ballot box, who delivers the ballot to the judge of election, constitutes a personal delivery of the ballot within the meaning of the statute when it is done on account of the illness of the voter and in plain view of the election judges. *Clark v. Robinson* (1878), 88 Ill. 498, 505.

**Irregularities, designation of office.** The omission to designate on a ballot the title of each of two or more offices to be voted for vitiates the ballot, unless the intention of the voter can be ascertained from

the nature of the election or the circumstances surrounding it. *Page v. Kuykendall* (1896), 161 Ill. 319, 324.

**Irregularities, distinguishing mark.** Any mark or method of voting which furnishes a means of designating or describing the ballot so as to identify it is a distinguishing mark and invalidates the ballot. *Kelly v. Adams* (1899), 183 Ill. 193, 196; *Isenburg v. Martin* (1920), 293 Ill. 408, 411.

Whether a given mark is or is not a distinguishing mark is largely a question of fact to be determined from an inspection of the ballot itself. *Winn v. Blackman* (1907), 229 Ill. 198, 211, 212.

Unexplained pencil crosses on the back of a ballot vitiate the ballot. *Arnold v. Keil* (1911), 252 Ill. 340, 344.

A purple indelible pencil mark on the face of the ballot and a number of heavy indelible pencil marks on the back of it, by which the initials of the judge of election are obliterated, show an intention to distinguish the ballot. *Grubb v. Turner* (1913), 259 Ill. 436, 441.

A cross in one of the party circles and horizontal lines drawn through all of the remaining circles are distinguishing marks. *Grubb v. Turner* (1913), 259 Ill. 436, 441.

A diagonal line in a circle is a distinguishing mark. *Grubb v. Turner* (1913), 259 Ill. 436, 444.

A curved line drawn at the head of a ballot, from

one circle to another, is a distinguishing mark. *Grubb v. Turner* (1913), 259 Ill. 436, 444.

A bright red cross made in the circle and a straight long continuous red mark across the ballot which appear to have been made deliberately have a tendency to identify the ballot and to invalidate it. *Isenburg v. Martin* (1920), 293 Ill. 408, 411.

Initials of a person or of a candidate written on the face of a ballot are distinguishing marks and invalidate the ballot. *Hennessy v. Porch* (1910), 247 Ill. 388, 392.

A mark or writing placed on a ballot as the result of an honest effort on the part of the voter to indicate his choice of candidates is not a distinguishing mark. *Rexroth v. Schein* (1903), 206 Ill. 80, 100.

A small curved mark on the left-hand margin of a ballot, about an inch and a half from one end of the curve to the other, which shows plainly that it was made inadvertently by a pencil other than the ordinary one used at an election is not a distinguishing mark. *Isenburg v. Martin* (1920), 293 Ill. 408, 412.

So, a straight ballot which contains two very small dots above the circle, apparently made for the purpose of testing the pencil, is not a distinguishing mark. *Isenburg v. Martin* (1920), 293 Ill. 408, 413.

A diagonal straight line in the square in front of the name of a candidate does not invalidate a ballot having a cross in the party circle and crosses in the squares opposite the names of the remaining candidates of the same party. *Sievers v. Hannah* (1921), 296 Ill. 593, 596.

Marks or characters appearing on a ballot that could not have been made by the voter are not distinguishing marks. *Kerr v. Flewelling* (1908), 235 Ill. 326, 335.

A mark placed upon a ballot by election officers, either before or after the ballot is cast, is not a distinguishing mark. *Slenker v. Engel* (1911), 250 Ill. 499, 505.

**Irregularities, dividing or splitting vote.** A voter is not permitted to split his vote between two candidates for county treasurer or for sheriff; and if this is attempted, the ballot is invalid. *Slenker v. Engel* (1911), 250 Ill. 499, 503.

**Irregularities, effect.** The votes of innocent electors are not invalidated by mere irregularities on the part of election officials which do not affect the result of an election unless so expressly declared by statute. *Rexroth v. Schein* (1903), 206 Ill. 80, 98.

Irregularities in the conduct of an election that deprive no legal voter of his vote and that do not change the result do not invalidate an election. *Piatt v. People* (1862), 29 Ill. 54, 72; *Schuler v. Hogan* (1897), 168 Ill. 369, 381.

Irregularities, endorsement, see *Indorsement*.

**Irregularities, erasures.** A pencil erasure of the name of a candidate on a ticket, or a name written on the back of the ballot and completely erased and made indistinguishable, is not such a distinguishing mark as to invalidate the ballot. *Atwater v. Eckard* (1918), 282 Ill. 122, 126, 127.

The erasure of crosses opposite one set of candidates and the marking of crosses for another set of candidates does not constitute a mutilation of the ballot or a distinguishing mark. *Arnold v. Keil* (1911), 252 Ill. 340, 345.

An erasure of candidate's names by a single horizontal line and an insertion above the names of the word "rejected," when done apparently to avoid voting for too many candidates for the same office, are not distinguishing marks. *Kerr v. Flewelling* (1908), 235 Ill. 326, 334.

Horizontal lines drawn through a candidate's name of one political party and a cross made in the square opposite the name of a candidate of another party for the same office do not invalidate the ballot. *Kerr v. Flewelling* (1908), 235 Ill. 326, 333.

**Irregularities, erased tickets.** Vertical lines drawn through tickets not voted is a distinguishing mark and invalidates the ballot. *Perkins v. Bertrand* (1901), 192 Ill. 58, 65.

**Irregularities, figures or marks.** Figures placed by election judges upon a ballot during the counting of the ballots, while illegal do not invalidate the ballot on the ground that they constitute distinguishing marks. *McCreery v. Burnsmier* (1920), 293 Ill., 43, 52; *Kerr v. Flewelling* (1908), 235 Ill. 326, 327.

Figures placed upon the back of a ballot with a pencil other than the one with which the ballot is marked, and apparently by the judges of election

during the count of the ballots, are not distinguishing marks. *Slenker v. Engel* (1911), 250 Ill. 499, 506.

**Irregularities, fraud of election judges.** The active participation of judges of election in registering fraudulent voters, in keeping false lists, in allowing boys and persons under assumed and fictitious names to vote, and in making fraudulent returns, justifies the exclusion of the poll book of an entire township or precinct and permits the admission of extrinsic evidence to show how the various votes were in fact cast and counted, in a proceeding brought to impeach the election returns and to purge the poll books of illegal votes cast at the election. *Knox County v. Davis* (1872), 63 Ill. 405, 416.

**Irregularities, fraudulent canvass.** An entire precinct or district will not be excluded if the returns can be purged by separating honest from fraudulent ballots. *Brents v. Smith* (1911), 250 Ill. 521, 535.

**Irregularities, hat as ballot box.** In the absence of objection or complaint, the use of a hat in a school election instead of a regular ballot box will not invalidate the election. *Bloome v. Hograeff* (1901), 193 Ill. 195, 199.

**Irregularities, hole in ballot.** A hole in the square opposite the name of a contestant, apparently made by an attempt to erase the square in voting for his opponent, is not a distinguishing mark. *Kerr v. Flewelling* (1908), 235 Ill. 326, 336.



**Irregularities, improper marking.** Marks upon a ballot that are useless but made from an honest effort to indicate a choice will not invalidate the ballot as to candidates for whom a choice is expressed in accordance with the statute. *Grubb v. Turner* (1913), 259 Ill. 436, 441, 442.

**Irregularities, indorsement.** A ballot without a judge's initials as part of the indorsement cannot be counted in the absence of proof tending to show that the judge had neglected to initial the ballot. *Caldwell v. McElvain* (1900), 184 Ill. 552, 559.

The official indorsement on the back of a ballot is essential to its validity. *Kelly v. Adams* (1899), 183 Ill. 193, 195.

Ballots which lack the initials of a judge of election are invalid. *Grubb v. Turner* (1913), 259 Ill. 436, 440.

The use of the initials of another judge in indorsing a ballot invalidates it. *Winn v. Blackman* (1907), 229 Ill. 198, 208.

The indorsement of another judge's initials, although with his consent, invalidates the ballot. *Laird v. Williams* (1917), 281 Ill. 233, 236.

A judge's use of a stamp in initialing all of the ballots of a precinct invalidates the vote of that precinct. *Choisser v. York* (1904), 211 Ill. 56, 69; *Berryman v. Megginson* (1907), 229 Ill. 238.

Absent electors' ballots are void if they bear no judge's initials indorsed upon them. *McCreery v. Burnsmier* (1920), 293 Ill. 43, 53.

A single initial of a judge of election on the back of a ballot sufficiently identifies the ballot and fulfills the requirement of the statute. *Perkins v. Bertrand* (1901), 192 Ill. 58, 63.

A ballot which has indorsed only one or too many letters of a judge's initials is valid if it appears that they were made by the same person and with the same pencil as the other indorsements. *Slenker v. Engel* (1911), 250 Ill. 499, 507, 508, 510.

The indorsement on the back of a ballot of the full name of a judge of election instead of initialing it is not a distinguishing mark when done without the voter's knowledge or participation. *Perkins v. Bertrand* (1901), 192 Ill. 58, 64.

The placing of the correct initials by a judge of election who, from old age and nervousness, has initialed the ballot wrongly constitutes no distinguishing mark. *McCreery v. Burnsmier* (1920), 293 Ill. 43, 52.

An unauthorized indorsement such as "this ballot objected to" made by one of the election judges upon a ballot before depositing it in the ballot box, without participation of the voter, is an irregularity which does not invalidate the ballot. *Gill v. Shurtleff* (1900), 183 Ill. 440, 442.

The omission to designate the polling place for which the ballots were prepared invalidates the election at which such ballots have been used. *People v. Illinois Central Railroad Co.* (1921), 298 Ill. 516, 522).

Irregularities, initialing, see indorsement.

**Irregularities, initials.** The omission of the middle or all initials from the candidate's name does not invalidate the ballot if enough appears on it to show an intention to vote for the candidate. *Clark v. Robinson* (1878), 88 Ill. 498, 500.

**Irregularities, intoxicating liquor.** The use of intoxicating liquor in the canvass for votes for councilman constitutes a good ground for declaring an election void, although the candidate has received the highest number of votes cast at the election. *Evanston v. Carroll* (1900), 92 Ill. App. 495, 503.

**Irregularities, judges of election.** The fact that a judge of election is not a resident of the election precinct in which he acts makes him a *de facto* officer, but does not invalidate the election. *People v. Graham* (1915), 267 Ill. 426, 444.

**Irregularities, jurat.** The absence of a jurat to a supporting affidavit will not invalidate an election, but the jurat may be added *nunc pro tunc* upon evidence that the officer failed to attach it. *DuPage County v. People* (1872), 65 Ill. 360, 366.

**Irregularities, misspelled name.** A candidate's name written as William Alenanda for William Alexander is a vote for the latter. *Sievers v. Hannah* (1921), 296 Ill. 593, 596.

**Irregularities, mistake.** Mere inadvertence, mistake or ignorance if capable of explanation under

circumstances surrounding the election will not invalidate a ballot. Page v. Kuykendall (1896), 161 Ill. 319, 324, 326.

**Irregularities, more persons than candidates.** A ballot cannot be counted for either candidate if the elector has designated more persons for an office than there are candidates to be elected. Blankinship v. Israel (1890), 132 Ill. 514, 520; Clark v. Robinson (1878), 88 Ill. 498, 501.

Irregularities, mutilated ballot, see *Canvassing votes*.

**Irregularities, mutilated ballot.** A ballot which contains only portions of two of the last tickets on the ballot, but which is otherwise properly marked for one of the main party tickets, is not invalid. Slenker v. Engel (1911), 250 Ill. 499, 507.

If the ballot is so printed that it does not permit the making of a cross in the square opposite the name of a candidate for whom a vote is intended, should be rejected. Brents v. Smith (1911), 250 Ill. 521, 530.

If part of the printing on a ballot does not appear thereon the ballot is mutilated and should be rejected. Kerr v. Flewelling (1908), 235 Ill. 326, 339.

**Irregularities, name on ballot.** Any name other than a candidate's, unless permitted by law, written on a ballot is a distinguishing mark. Parker v. Orr (1895), 158 Ill. 609, 618; Caldwell v. McElvain (1900), 184 Ill. 552, 559; Tandy v. Lavery (1902), 194 Ill. 372, 373.

**Irregularities, name written in.** The name of James Cheery, of J. A. or W. McNagry, or of J. McMagr written in on a ballot and duly marked is not a vote for James E. McCreery, although there is only one candidate by the latter name. *McCreery v. Burnsmier* (1920), 293 Ill. 43, 48.

The name of a candidate written on a ballot containing such name in print for the same office is not a distinguishing mark. *Smith v. Reid* (1906), 223 Ill. 493, 495.

The erasure of a printed name under one party appellation and the writing in of a name printed under the appellation of another party is not such an irregularity which invalidates the ballot. *Winn v. Blackman* (1907), 229 Ill. 198, 216.

The name of a person written in, with no cross in the square opposite it expresses no choice. *Hennesy v. Porch* (1910), 247 Ill. 388, 392.

**Irregularities, name written in, intention.** The name of a candidate written in on the ballot, if not correctly spelled, must bear some relation between its appearance or sound and that of the candidate so as to at once suggest from an inspection of the ballot that the name written was actually intended for that of the candidate. *McCreery v. Burnsmier* (1920), 293 Ill. 43, 48.

**Irregularities, naturalization, incomplete.** Votes or ballots of aliens who have only made their declaration of intention are void and should not be counted. *Clark v. Robinson* (1878), 88 Ill. 498, 501.

**Irregularities, naturalization, record.** Naturalization cannot be disproved by a clerk of a court of record certifying that there is no record in his court of such a naturalization. *Beardstown v. Virginia* (1876), 81 Ill. 541, 545.

**Irregularities, nomination papers.** Unlawful refusal to file second nomination papers in proper form after previous papers have been held insufficient will not invalidate an election where the complaining party could have compelled their filing by mandamus. *Schuler v. Hogan* (1897), 168 Ill. 369, 381.

**Irregularities, nominations.** The want of right or power in a political party to make a nomination cannot be raised for the first time in a contested election. *Schuler v. Hogan* (1897), 168 Ill. 369, 375.

Irregularities, notice of election, see Time of election, etc.

**Irregularities, numbered ballots.** A figure or number placed on the back of a ballot by a judge of election without the knowledge of an elector does not invalidate the ballot. *Perkins v. Bertrand* (1901), 192 Ill. 58, 67.

**Irregularities, official ballot, proposition.** The omission from the official ballot of the negative of the proposition required to be submitted in the affirmative and negative form invalidates the election, although another method of indicating the negative is used. *People v. Myers* (1912), 256 Ill. 529, 532.

Irregularities, official indorsement, see Indorsement.

**Irregularities, order of court.** The failure of a clerk from carelessness, incompetency, or perverseness to record an order of court admitted to have been made for the submission of a question to the vote of the people will not invalidate an election. *People v. Garner* (1868), 47 Ill. 246, 252.

**Irregularities, ordering or calling election.** It is essential to the validity of an election that the proper authorities shall order or call the election; and if an election is called by another and different power than the one to whom authority be given, the election is absolutely void and incapable of ratification. The ordering of an election by a mayor instead of the mayor and the council is of no force or effect. *Stephens v. People* (1878), 89 Ill. 337, 342, 345.

**Irregularities, pairing off.** An agreement between voters to "pair off" at an election, or to be absent therefrom, has no legal force or effect and does not deprive a voter who is a party to it of the right to vote in disregard of the agreement, nor does it authorize election judges to reject his vote. *Piatt v. People* (1862), 29 Ill. 54, 73.

**Irregularities, party appellation.** Placing the names of independent candidates on a ticket or ballot under a wrong heading does not prevent an elector from expressing his choice and is not an

irregularity that invalidates the ballot. *Murphy v. Battle* (1895), 155 Ill. 182, 186.

**Irregularities, pencil.** The use of another pencil than the one supplied for the booth, if without improper motive, does not invalidate the ballot. *Rexroth v. Schein* (1903), 206 Ill. 80, 105.

**Irregularities, pencil flourish.** A semicircle connecting three points of a cross, thus evidently intended as a flourish of the pencil, is not a distinguishing mark. *Winn v. Blackman* (1907), 229 Ill. 198, 210.

**Irregularities, pencil mark.** The fact that an imprint of a pencil mark is discernible from the back of the ballot through inadvertence in marking it is not such a distinguishing mark as to invalidate the ballot. *Winn v. Blackman* (1907), 229 Ill. 198, 207.

**Irregularities, polling place.** The failure to designate a polling place and to give notice of a school election within the time required by law is good ground for excluding the entire vote of a precinct or district. *Snowball v. People* (1893), 147 Ill. 260, 267.

The mere fact that a polling place does not open upon a public highway does not invalidate the election if it is the regularly established voting place and has been used as such for a number of years. *Choisser v. York* (1904), 211 Ill. 56, 65.



Voting in a city election beyond the boundaries of a ward at a polling place long established and acquiesced in is not such an irregularity as will invalidate the election when no legal voter has been deprived of his vote and no harm or injury has been done to anyone. *People v. Graham* (1915), 267 Ill. 426, 443.

**Irregularities, polling place, change of.** On the morning of an election changing a voting place from a hall to an office about two hundred feet apart and so near that every voter could see what was done, and which was the proper voting place fixed by the authorities for holding the election, or changing the voting place from one store to another across a railroad track when no voter was ignorant of the change, does not invalidate a school election. *Simons v. People* (1886), 119 Ill. 617, 623.

**Irregularities, polling place, different.** The use of a polling place other than the one designated by the order of court, because the owner of the polling place has refused to permit its use on election day, will not invalidate an election when the new polling place was nearby and deemed convenient by the election judges, was in plain view from the official polling place and the selection of the new polling place made it possible for all of the voters in the precinct to vote at the election. *Dale v. Irwin* (1875), 78 Ill. 170, 181.

Irregularities, polling place, see *Time of election, etc.*

**Irregularities, preparation of ballot.** A ballot not prepared in a booth but in a room adjacent to the one in which the election was held is illegal and should not be counted. *Choisser v. York* (1904), 211 Ill. 56, 66.

So a ballot openly and publicly prepared and marked by a judge of election in defiance of the other judges is illegal and cannot be counted. *Choisser v. York* (1904), 211 Ill. 56, 67.

**Irregularities, presumption.** The fact that an elector was permitted to vote by the election officers raises a prima facie presumption of his right to vote. *Webster v. Gilmore* (1878), 91 Ill. 324, 326.

**Irregularities, proclamation.** Failure to make proclamation of the result of a canvass in a precinct in accordance with statute is an irregularity that does not invalidate the election. *Choisser v. York* (1904), 211 Ill. 56, 64.

Irregularities, proposition, see Official ballot.

**Irregularities, register.** Failure to use the register of voters at a precinct does not vitiate the election except when it results in the acceptance of illegal votes. *Choisser v. York* (1904), 211 Ill. 56, 65.

Unless illegal votes are received as a direct consequence, the carelessness or fraud of judges in not using registry lists is not of itself sufficient to invalidate an election. *People v. Logan County* (1872), 63 Ill. 374, 382.

**Irregularities, returns, authentication.** Unless application to amend be made in apt time and in the proper manner, the precinct returns that are not authenticated by the judges and clerks of election are void and of no effect. *People v. Nordheim* (1881), 99 Ill. 553, 562.

**Irregularities, selection of judges.** An improper selection of judges of election in a precinct in place of the regular judges who fail to appear on election day does not vitiate the election in such precinct. *Choisser v. York* (1904), 211 Ill. 56, 65.

**Irregularities, short and long term.** Failure to designate the particular term for which the ballot is intended where there are two officers to be elected for a short and a long term invalidates the ballot for either candidate. *Page v. Kuykendall* (1896), 161 Ill. 319, 324.

**Irregularities, stringing ballots and unauthorized assistance. etc.** Failure to string ballots in the order in which they are read, unauthorized assistance in the count by challengers and unlawful presence of three or four persons without interfering or inconveniencing the count are not such irregularities as justify the rejection of the entire precinct when the count is otherwise fairly and correctly made. *Hodge v. Linn* (1881), 100 Ill. 397, 402.

**Irregularities, third person's acts.** An opinion, oral or written, as to the true construction, meaning

or effect of the election law, or of some act performed under it, expressed by a third person, cannot vitiate an election nor disfranchise a voter. *Schuler v. Hogan* (1897), 168 Ill. 369, 384.

**Irregularities, time of election and polling place.** Under a statute designating a certain agency to fix a time and place for holding an election, the fixing of such time and place by any other authority is an irregularity that invalidates the election and cannot be cured by subsequent ratification; but where a statute itself fixes the time and place of election, the omission to give a proper notice will not invalidate an election held according to statute. *Stephens v. People* (1878), 89 Ill. 337, 342, 344.

**Irregularities, too many candidates voted for.** A vote for both candidates for a single office is a vote for neither. *Isenburg v. Martin* (1920), 293 Ill. 408, 414.

**Irregularities, torn ballots.** A ballot which appears to have been torn by the voter is invalid; but if the ballot apparently was torn in counting, the ballot is valid. *Brents v. Smith* (1911), 250 Ill. 521, 532, 533.

**Irregularities, unregistered voters.** In the absence of proof that unregistered voters are not legal voters, the failure to strictly comply with the statutory requirements in case of unregistered voters, although challenged at the time of voting, is not such an irregularity as to justify the rejection of

their votes. *Clark v. Robinson* (1878), 88 Ill. 498, 503.

In the absence of proof that unregistered voters were not legal voters, their votes cannot be rejected merely on the ground that they were not registered. *Kuykendall v. Harker* (1878), 89 Ill. 126.

**Irregularities, unused ballot.** Using a piece of paper other than the official ballot invalidates the vote. *Webster v. Gilmore* (1878), 91 Ill. 324, 327.

**Irregularities, vacancy in judge of election.** A failure of two judges through a misconception of the law to fill a vacancy in judge of election will not vitiate a school election. *People v. Michaels* (1911), 160 Ill. App. 424, 429; cl. 9, § 1, Construction of Statutes Act.

**Irregularities, votes received after closing of polls.** Votes cast after closing time of the polls is an irregularity which does not affect the validity of an election, unless it is shown that the votes so received were cast at the instance of the person charged with fraud and that they changed the result of the election. *Piatt v. People* (1862), 29 Ill. 54, 72.

**Irregularities, want of certificate.** The want of a certificate of the judges of election to the returns must be supplied by other evidence; it is no ground for the exclusion of an entire township or precinct. *Lawrence County v. Schmaulhausen* (1887), 123 Ill. 321, 332.

**Irregularities, want of proper parties, waiver.** The trial court's action upon a motion to dismiss for want of proper parties will not be reviewed in the absence of cross errors where the lack of such parties does not appear from the record. *Slenker v. Engel* (1911), 250 Ill. 499, 502.

The want of parties to a petition to contest an election cannot be raised for the first time on appeal. *Brents v. Smith* (1911), 250 Ill. 521, 526.

A person is an unnecessary party defendant to a petition to contest an election when shown to have received so few votes that he could not have been declared elected. *Brents v. Smith* (1911), 250 Ill. 521, 526.

Irregularities, written name, middle initial, see *Canvassing votes*.

Irregularities, written name, see *Official ballot, candidate's name omitted*.

**Irregularities, wrong canvassing board.** The canvassing of the returns by the wrong officers is a mere irregularity that will not vitiate an election on a bond issue. *People v. Green* (1914), 265 Ill. 39, 44.

**Irregularities, wrong Christian name.** Ballots cast for Joseph M. instead of Henry M. are rightfully counted for Henry M. if shown that there was no other candidate than Henry M. eligible for the office and that no such person as Joseph M. resided in the town at the date of the election nor was

known to the witnesses. *McKinnon v. People* (1884), 110 Ill. 305, 309.

Irregularities, wrong heading, see Party appellation.

**Irregularities, wrong precinct.** The vote of a person who does not reside in the election precinct or district is absolutely void and cannot be counted. *Clark v. Robinson* (1878), 88 Ill. 498, 512; *Dale v. Irwin* (1875), 78 Ill. 170, 186.

**Irregularities, "yes."** The word "yes," written in a party circle instead of a cross invalidates a straight ballot. *Grubb v. Turner* (1913), 259 Ill. 436, 440.

**Judgment, certified copy.** A certified copy of a judgment rendered in an election contest has the same effect as the declared result of an election by canvassers. (Hurd's Stat. 1919, ch. 46, par. 121.)

**Judgment or decree.** In a contest of the nomination of a candidate for mayor or commissioner, the judgment or decree of the trial court is final and a certified copy of it must be transmitted to the city or village clerk or clerk of the election commissioners at least three days before election. (Hurd's Stat. 1919, ch. 24, par. 193b 18.)

**Judgment, tie.** The judgment in an election contest either affirms or annuls the election according to the right of the contest or declares as elected the person who appears to be duly elected.

In case two or more persons have received an equal and highest number of legal votes cast for

the same office, the tie is decided by lot under the court's direction.

The candidate next highest is not elected but the election is void if the person who has received the highest number of votes is legally disqualified. (Hurd's Stat. 1919, ch. 46, pars. 119, 120, 122.)

Judgment, see Costs.

**Jurisdiction.** In an election contest the jurisdiction of the court is limited to the question as to who was elected. *Welsh v. Shumway* (1908), 232 Ill. 54, 59.

**Jurisdiction, different classes of offices.** The election of persons to separate and distinct offices of different classes cannot be contested in one and the same proceeding. *Browning v. Gorman* (1914), 261 Ill. 617, 620.

**Jurisdiction, loss of.** The jurisdiction of a court in an election contest attaches as soon as a petition in proper form has been filed within the statutory time; which jurisdiction is not lost by a subsequent withdrawal of the names of some or all of the petitioners contesting an election upon a subject that has been voted upon by the people and in which they have an interest. *Irmegar v. Tazewell County* (1914), 264 Ill. 172, 174.

Jurisdiction, objection to nomination, see Certificate of nomination.

Jurisdiction, parties defendant, see Irregularities, want of proper parties.



**Jurisdiction, scope.** In election contests the court is limited to the question of who was elected and it has no jurisdiction to determine eligibility to office or the regularity of the nomination. *Dilcher v. Schorik* (1904), 207 Ill. 528.

Jurisdiction, setting aside election, see Decree.  
Lieutenant Governor, see State officers.

**Local option, jurisdiction.** The requirements as to verification of a petition for the contest of an election on the proposition of local option and the filing of a bond for costs are jurisdictional. *People v. Jenner* (1919), 214 Ill. App. 321.

**Mayor, jurisdiction.** Any elector of a city may within thirty days after the result has been declared contest the election of mayor in the circuit or in the superior court if in Cook county. (Hurd's Stat. 1919, ch. 46, pars. 97, 112, 113.)

A contest of election of mayor in counties outside of Cook can only be brought in the circuit courts and not in the city courts. *Brueggemann v. Young* (1904), 208 Ill. 181, 184.

**Mayor and commissioners, jurisdiction.** A candidate for mayor or commissioner at a primary or election may contest in the county or circuit court the nomination or election of another candidate by filing a petition with the clerk of the court. (Hurd's Stat. 1919, ch. 24, par. 193b18.)

**Mayor and commissioners, jurisdiction.** Since the 1917 amendment of section 18 of the Commis-

sion Form of Government Act (Hurd's Stat. 1919, ch. 24, par. 193b18) the county and circuit courts have jurisdiction to hear election contests for the office of mayor and city commissioner; which amendment supersedes *Bowen v. Russell* (1916), 272 Ill. 313.

**Note.** The statute prescribes no time for filing the petition contesting the nomination of mayor or commissioner, but the petition should be filed as soon as practicable after the nomination, as a certified copy of the judgment or decree must be transmitted to the city or village clerk or clerk of the election commissioners at least three days before election.

**Mayor and commissioner, recall.** The provisions relating to the contest of a primary held for the nomination of candidates for mayor or commissioner apply to special primaries held for the nomination of candidates in case of recall and removal of these officers. (Hurd's Stat. 1919, ch. 24, par. 193b, 42h.)

**Member of General Assembly, jurisdiction.** An election contest for senator or representative in the General Assembly is heard and determined by the respective houses and any qualified voter of the county or district may contest the election of a person elected to the senate or house of representatives by serving within thirty days after the result of the election had been determined a notice of intention to contest the election. (Hurd's Stat. 1919, ch. 46, pars. 95, 105, 106.)

**Motion to dismiss.** The want of necessary parties to an election contest when the defect appears on the face of the proceeding is properly raised by a motion to dismiss or by a demurrer, and not by a plea in abatement. *Conway v. Sexton* (1909), 243 Ill. 59, 62.

**Nature of proceeding.** Under present statute, an election contest is a chancery proceeding subject to all the rules governing chancery cases. *Dale v. Irwin* (1875); 78 Ill. 170, 175.

An election contest is not an appeal from the decision of the canvassers but is an original proceeding instituted for the purpose of trying the legality of an election, in which the court may inquire, by outside proof, whether the votes, or any of them, are illegal. *People v. Head* (1861), 25 Ill. 325, 327.

**Notice of contest, service.** A notice of intention to contest an election to the Senate or House of Representatives states the points on which the election will be contested.

Within thirty days after the result of the election has been determined, the notice is served by the contestant on the contestee personally or by leaving a copy of it at his usual place of residence if he is absent or cannot be found.

On or before the next session of the General Assembly a copy of the notice of contest is delivered to the secretary of state. (*Hurd's Stat.* 1919, ch. 46, par. 106.)

The notice of contest takes the place of the petition or statement in other cases.

Notice of contest, see Member of General Assembly.

**Park districts, jurisdiction.** Any qualified elector of a park district organized under the Pleasure Driveway and Park District Act may contest in the circuit or county court the election of president or trustee of such district. (Hurd's Stat. 1919, ch. 105, par. 118.)

**Park trustee, jurisdiction.** The county court has jurisdiction in election contests for president and trustees of a pleasure driveway and park district under sections 97 and 98 of the Election Law as well as under section 12 of the Pleasure Driveway and Park District Act since its amendment in 1917. *Baker v. Shinkle* (1911), 249 Ill. 154, 158.

Petition, see Notice of contest.

**Petition, state offices, filing, service.** A petition to contest the election for a state office is addressed to the General Assembly and sets forth the points of contest, praying for leave to produce proof. (Hurd's Stat. 1919, ch. 46, par. 99.)

**Note.** As the General Assembly may not be organized at the time the petition is required to be presented, the petition should be filed with the secretary of state.

The statute makes no provision for notifying a person whose election to state office is contested, unless the notice of contest required in case of member of the General Assembly was intended also to apply to a contest for a

state office. Serving the contestee with a copy of the petition at the time or soon after the original petition is filed would be in accord with the usual practice in similar cases.

**Petition, amendment.** A petition filed by electors within the statutory filing period is amendable after such period has elapsed by averring that the petitioners are electors of the proper municipality and omitting one of the parties elected to another office; or by filing in lieu of these amendments an amended petition. *Clark v. Bettenhausen* (1921), 296 Ill. 373, 377.

The petition may be amended to add points of contest not contained when filed. *Brents v. Smith* (1911), 250 Ill. 521, 526.

An amendment of a petition or statement in an election contest that goes to the jurisdiction of the court amounts to a new and different petition or statement and is not permissible. *Dilcher v. Schorik* (1904), 207 Ill. 528.

A contestant is not confined in his proof to the points of contest stated in his petition as originally filed, but by amendment he may avail himself of any other points to meet the tactics of his opponent. *Dale v. Irwin* (1875), 78 Ill. 170, 176.

**Petition, averments, elector.** The averment that a petitioner is an elector of the county is essential to confer jurisdiction of a petition contesting an election for the office of circuit court clerk. *Adams v. McCormick* (1905), 216 Ill. 76.

The statement that the petitioner is of a certain township and county is not a sufficient averment that the petitioner is an elector of the county. *Adams v. McCormick*, *supra*.

The averment that the petitioner is an elector of the town is jurisdictional and necessary to the validity of a petition contesting an election for a town office. *Blanck v. Pausch* (1885), 113 Ill. 60, 64; *Masterson v. Reed* (1898), 172 Ill. 37; *Clarke v. Bettenhausen* (1921), 296 Ill. 373, 376.

The same is true in a contest for any other office than a town office, as the fact that the contestant is an elector of the particular municipality, district or state is essential to the jurisdiction of the matter.

**Petition, filing.** The contestant of an election has until midnight of the last day of filing within which to file his petition, provided the clerk of court will file it at that time. *Zimmerman v. Cowan* (1883), 107 Ill. 631, 637.

**Petition, general and indefinite allegation, waiver.** An objection to a petition that its allegations are general and indefinite is waived by answering the petition instead of moving for its dismissal and standing by the motion. *Jackson v. Winans* (1919), 287 Ill. 382, 387.

**Petition, general relief.** A prayer for general relief, such as is resorted to in cases in chancery, is improper in a petition or statement in an election contest; and if the petition contains such a prayer

it will be regarded as surplusage. *Quartier v. Dowiat* (1906), 219 Ill. 326, 328.

**Petition, grounds, scope.** Under a statute requiring an election contest to be tried in the same manner as chancery cases, the contestant may place his contest upon any ground he chooses and the opponent may interpose any defenses which show that the contestant is not equitably entitled to his relief. *Talkington v. Turner* (1874), 71 Ill. 234, 236.

**Petition, joinder of contests.** The election of two officers elected to different offices cannot be contested in one and the same proceeding. *Clarke v. Bettenhausen* (1921), 296 Ill. 373, 376.

**Petition, mistake.** In an election contest on the ground of mistake in counting the votes, the existence of the mistake and its extent are the only material facts to be alleged and proved. *Talkington v. Turner* (1874), 71 Ill. 234, 236.

**Petition, nature.** The nature and character of a petition in an election contest is determined from the allegations, the form and the relief asked, and not from its endorsement. *Quartier v. Dowiat* (1906), 219 Ill. 326, 328.

**Petition, particularity.** It is not indispensable that the names of persons whose ballots have been improperly counted should be stated in a contested election petition, as such information is not reasonably susceptible of particularity in pleading. *Kreitz v. Behrensmeyer* (1888), 125 Ill. 141, 172.

**Petition, points, nature.** The points which must be stated in a petition or statement that contests an election, must be only such as raise the question of who was elected. *Dilcher v. Schorik* (1904), 207 Ill. 528.

**Petition, points or errors.** A contestant is not required to state fully and with particularity all of the errors made in counting the ballots at an election, but must set forth enough to show that errors have occurred that will change the result. *Hennessy v. Porch* (1910), 247 Ill. 388, 390.

**Petition, verification.** A petition in an election contest is properly verified if sworn to upon information and belief. *Jackson v. Winans* (1919), 287 Ill. 382, 387.

**Petition, local option, verification.** A verification on information and belief to a petition seeking the contest of an election under the Anti-saloon Territory Act is insufficient, as the petition must be positively verified. *People v. Jenner* (1919), 214 Ill. App. 321, 323.

**Petition, verification, omission.** An unverified statement or petition in an election contest fails to give the court jurisdiction of the subject matter and should be stricken from the files on proper motion, unless there is a cross motion for leave to supply the omission; and the filing of a demurrer after the motion to strike is overruled does not waive it, as the jurisdiction of the subject matter is



not waivable. *Daugherty v. Carnine* (1914), 261 Ill. 366.

**Plea in abatement.** A plea in abatement is not a proper pleading in an election contest, for the reason that the proceeding is governed by the rules of chancery practice. *Quartier v. Dowiat* (1906), 219 Ill. 326, 329.

Plea in abatement, see Motion to dismiss.

**Precinct committeeman, jurisdiction.** The county court has jurisdiction in a contested election for precinct committeeman. *Cataldo v. Ostiuso* (1912), 253 Ill. 138.

**President of county board.** Any elector of the county may within thirty days after the result has been declared contest in the circuit court the election of president of the county board. (Hurd's Stat. 1919, ch. 46, pars. 97, 112, 113.)

**Preserving ballots.** It is only necessary to substantially follow the method prescribed by statute for the preservation of the ballots. *Graham v. Peters* (1910), 248 Ill. 50, 54.

Proposition, see Constitutional amendment; equity jurisdiction, fraud in election on proposition.

Public measure, see Constitutional amendment.

**Re-count.** The count made by the court will prevail over the count made by the judges in case of discrepancy between the two counts, where ballots are produced in an election contest and it

clearly appears that they are in the same condition as when counted by the judges. *Strubinger v. Ownby* (1919), 290 Ill. 380, 383.

A court has no authority to order a re-count of ballots that have not been kept according to the precise method prescribed by statute in the absence of proof that the method followed was such as to afford no reasonable opportunity for unauthorized persons to tamper with or change them, and to base the court's decision upon the result of such re-count contrary to the returns of the judges of election, when the evidence does not justify a disregard of the ballots and the returns. *Graham v. Peters* (1910), 248 Ill. 50, 56.

**Re-count, apportionment of ballots.** In recounting ballots, such ballots as cannot be reasonably determined for whom they were cast, are apportioned among the candidates. *Choisser v. York* (1904), 211 Ill. 56, 60.

**Re-count, defective and objected to ballots.** Before counting "defective and objected to ballots" on a re-count, it is good practice to call the judges of the precinct from which the ballots come to show that they were voted by legal voters and to give reasons for not counting the ballots. *Perkins v. Bertrand* (1901), 192 Ill. 58, 66.

**Re-count, excess ballots, rejection.** The court in a contested election may reject or destroy excess ballots where it affirmatively appears that the ballots are in excess of the names on each of the poll

lists and the judges of election had included the excess ballots in their count or canvass. *Behrensmeyer v. Kreitz* (1891), 135 Ill. 591, 622.

**Re-count, opening ballots.** The contestant has a right under § 27 of the Ballot Law to have the ballots opened, re-counted and all errors corrected by the court or other body trying the contest. *Caldwell v. McElvain* (1900), 184 Ill. 552, 553.

**Re-count, scope.** In a re-count of ballots, the court must count all of the ballots and declare the result according to their effect and cannot confine itself only to the points or errors set out in the petition or statement. *Hennessy v. Porch* (1910), 247 Ill. 388, 390.

Removal of county seat, jurisdiction, see Proposition embracing county, etc.

Representative in General Assembly, see Member of General Assembly.

Resignation of office, see Quo warranto invalid election.

Rules governing, see City council.

**Sanitary district trustees, jurisdiction.** The circuit court has jurisdiction in contests of the election of trustees of districts organized under the Sanitary Districts Act of 1907. (*Hurd's Stat.* 1919, ch. 42, par. 217.)

**School election, jurisdiction.** By § 98 of the General Election Law and § 13 of the School Law, the

county court has jurisdiction in contested school elections. *Misch v. Russell* (1891), 136 Ill. 22, 30.

**School house site, jurisdiction.** An election in regard to the selection of a school house site cannot be contested under present statute. *O'Connor v. High School Board* (1917), 278 Ill. 618, 621. See Constitutional Amendment, etc.

**School trustees.** A contest of an election of school trustee is governed by the General Election Laws. (Hurd's Stat. 1919, ch. 122, par. 26.)

Secretary of state, see State officers.

**Security for costs.** The petitioner in a contest of the nomination of a candidate for mayor or commissioner must give security for costs. (Hurd's Stat. 1919, ch. 24, par. 193 b 18.)

**Statement, filing.** Contested elections in the circuit, superior court of Cook county or county court are commenced by filing with the clerk of the proper court within thirty days after the result of the election had been declared a written statement, setting forth the points of contest and verified in the same manner as bills in chancery. (Hurd's Stat. 1919, ch. 46, pars. 113, 117.)

**Statement, filing, constitutional amendment or public measure.** A written statement contesting an election upon a constitutional amendment or public measure affecting the entire state specifies no defendant, but a copy thereof is served upon the attorney general, who may appear and take such

steps as he deems proper. (Hurd's Stat. 1919, ch. 46, par. 117, as amended.)

**State officers, jurisdiction, joint committee.** Any elector may contest the election of Governor, Lieutenant Governor, secretary of state, auditor of public accounts, state treasurer, superintendent of public instruction or attorney general by presenting a petition to the General Assembly within ten days after the result of an election has been determined.

Upon the presentation of the petition in such a contest, a joint committee is appointed to take testimony on the part of the parties involved, with power to send for witnesses, to compel their attendance and the production of papers, and to issue commissions under the hands of its chairman, to any officer authorized to take depositions upon the points set forth in the petition at a time and place designated. (Hurd's Stat. 1919, ch. 46, pars. 99, 100, 101, 103.)

State senator, see Members of General Assembly.

State treasurer, see State officers.

**Stipulation, estoppel.** A contestant who stipulates in an election contest that certain ballots of a doubtful character shall not be counted for him is bound by that stipulation. *McCreery v. Burnsmier* (1920), 293 Ill. 43, 48.

**Supreme Court, jurisdiction.** The Supreme Court cannot be given original jurisdiction in election contests under the Constitution of 1870. *Canby v. Hartzell* (1897), 167 Ill. 628.

**Summons, date returnable.** Under present statute a summons in a contested election case must be made returnable to the next succeeding term of the court after the date of the summons in accordance with § 9 of the Chancery Act and not in pursuance of § 1 of the Practice Act. *Cavanaugh v. McConochie* (1890), 134 Ill. 516, 519.

A summons made returnable to a term of court subsequent to the next succeeding term is void and confers no jurisdiction. *Cavanaugh v. McConochie*, *supra*.

**Summons, service.** In a contested election for other than members of the General Assembly and state officers, summons issues upon the filing of the statement or petition and is served in the same manner as in chancery cases. (Hurd's Stat. 1919, ch. 46, par. 114.)

In a contest of the nomination of a candidate for mayor or commissioner under the commission form of government, the summons must issue forthwith upon the filing of the petition and be served as in cases in chancery. (Hurd's Stat. 1919, ch. 24, par. 193b18.)

In election contests, the statutory requirements for service of process must be strictly complied with, which compliance must be shown by the officer's return.

Personal service of summons, instead of service by copy as in cases in chancery, confers no jurisdiction upon a court in a contested election. *Greenwood v. Murphy* (1890), 131 Ill. 604, 607.

**Summons, term returnable.** Summons in a contested election is properly returnable to the probate term of the county court. *Kreitz v. Behrensmeyer* (1888), 125 Ill. 141, 171.

Superintendent of public instruction, see State officers.

**Superior Court judge, jurisdiction.** Any elector of the judicial district of a person elected superior court judge may within thirty days after the declaration of the result of the election contest it in the circuit court. (Hurd's Stat. 1919, ch. 46, pars. 96, 112, 113.)

**Supreme Court clerk, jurisdiction.** Any elector of the state may within thirty days after the result of the election has been declared contest in the circuit court the election of clerk of the Supreme Court. (Hurd's Stat. 1919, ch. 46, pars. 96, 112, 113.)

**Supreme Court judge, jurisdiction.** Any elector of the state or judicial division or district of a person elected Supreme Court judge may within thirty days after the result of the election has been declared contest it in the circuit court. (Hurd's Stat. 1919, ch. 46, pars. 96, 112, 113.)

**Tie vote.** In case of an election contest of other than state officers, a tie vote is decided by lot. (Hurd's Stat. 1919, ch. 46, par. 120.)

Village clerk, see Village president.

**Village president, jurisdiction.** The circuit and county courts of the state and the superior court of

Cook county have concurrent jurisdiction in contested elections for the office of president and clerk of village. *King v. Jordan* (1902), 198 Ill. 457; *Foley v. Tyler* (1896), 161 Ill. 167; General Election Law, §§ 97, 98.

**Village trustees, jurisdiction.** In a contested election of village trustee, the village board and not the county court has jurisdiction, under art. 11, § 8, taken in connection with art. 3, § 6, of the City and Village Act. *Foley v. Tyler* (1896), 161 Ill. 167, 175.

Writ of error, see Appeal.

ELECTION CONTEST, see VOTING.

ELECTION CONTEST, see PRIMARY ELECTION CONTEST.

ELECTION COST, see COST OF ELECTIONS.

ELECTION PRECINCTS,

**Annual town meeting.** Each town constitutes an election precinct for the purpose of town meetings. (Hurd's Stat. 1919, ch. 139, par. 53.)

**Boundaries.** In establishing election precincts or districts, they are described by metes and bounds and numbered. (Hurd's Stat. 1919, ch. 46, par. 30.)

**Boundaries, change of.** The county board may lawfully change or alter the boundaries of election



precincts or districts only at its meetings in June (formerly July) and July (formerly August) after November elections, notwithstanding the provision in the statute that it may do so "from time to time." *County Board of Union County v. Short* (1898), 77 Ill. App. 448, 452.

**City elections.** In city elections the boundaries of an election district or precinct should not extend beyond ward lines. *People v. Graham* (1915), 267 Ill. 426, 431.

**Delegation of power.** A statutory provision which confers upon the county central committee uncontrolled and arbitrary power to divide a certain portion of a county into voting districts and limited only as to the number of districts is an unauthorized delegation of legislative power and violates the constitutional requirement for freedom and equality of elections. *People v. Fox* (1920), 294 Ill. 263, 265.

**Establishment by election commissioners, revision and rearrangement.** Within two months after the first organization the election commissioners divide the municipality into election precincts of as nearly four hundred qualified voters as practicable, taking the poll books or the number of votes cast at the previous presidential election as a basis; and within ninety days after each presidential election a revision of the election precincts is made on the same basis.

A rearrangement of the precincts may be made at any time to reduce each precinct as near as possible to four hundred votes, whenever the vote of a precinct equals six hundred. Precincts are numbered consecutively from one upwards. (Hurd's Stat. 1919, ch. 46, par. 176.)

**Establishment in cities.** City election precincts or districts for city elections must be established at least thirty days before election by the city council and not by the county board in cities organized under the City and Village Act and located in counties under township organization. *Welsh v. Shumway* (1908), 232 Ill. 54, 68, 74.

In establishing voting districts in cities having wards, the boundaries of a district should be made coextensive with the wards, which districts may again be divided into precincts when the number of voters in it justify the division. As to the validity of an election held in a voting district which is not thus divided, see *Alderman, election, validity*. *People v. Graham* (1914), 187 Ill. App. 599, 604.

**Establishment, redivision or readjustment.** At the regular meeting in June or at an adjourned meeting in July, each county board may divide, redivide or readjust and establish, on the basis of the number of votes cast at the general election held in November of any year, election precincts or districts to contain five hundred to eight hundred voters and to be composed of contiguous and compact territory.

In counties under township organization, each town constitutes an election district or precinct unless otherwise divided, redivided or readjusted. (Hurd's Stat. 1919, ch. 46, pars. 29, 30, as amended.)

**High school district.** In all elections held under the School Law in high school districts, the board of education has power to establish a suitable number of voting precincts composed of contiguous territory in as compact form as the convenience of the electors voting therein will permit, and to designate therein one polling place. (Hurd's Stat. 1919, ch. 122, par. 91.)

**Lists of election precincts or districts.** County clerks are required to make out a correct list of all election precincts or districts in the county and forward it to the secretary of state on or before the first of September of the year in which there has been a redivision, readjustment or change in any of the election precincts or districts. (Hurd's Stat. 1919, ch. 46, par. 30.)

**Non-high school district.** In elections in a non-high school district, after the first election, the polling place for the same is designated by the board of education. (Hurd's Stat. 1919, ch. 122, par. 93.)

**Number of precincts.** In Cook county there are 2,485 election precincts. Down state the election precincts number 3527.

**Park districts.** The president and board of trustees establish the number and boundary lines of the election precincts and designate the polling places in

each precinct in a park district organized under the Pleasure Driveway and Park District Act. (Hurd's Stat. 1919, ch. 105, par. 118.)

**Re-division, basis.** As a basis each election district must contain as near as may be practicable the names of five hundred to eight hundred and fifty voters, determined by the number of votes cast at the next preceding general election. *People v. Board of Supervisors* (1900), 185 Ill. 288, 294.

**School district election.** In school districts having a population of not less than 1,000 nor more than 100,000 inhabitants and not governed by special act, the board of education establishes a suitable number of voting precincts and designates one polling place. (Hurd's Stat. 1919, ch. 122, par. 126.)

The board of education and not the election commissioners locate and establish the polling place or places for an election in a school district existing by virtue of a special charter and lying wholly or partially within a city, village or incorporated town of over 35,000 inhabitants that has adopted the City Election Law. (Hurd's Stat. 1919, ch. 122, par. 354a.)

**Voting machine system, redivision.** Election precincts of five hundred voters each may be constituted or established in cities, villages, etc., in which voting machines are to be used; which election precincts cannot be redivided until at some general election the number of votes cast in it exceeds eight hundred. (Hurd's Stat. 1919, ch. 46, par. 435.)

## ELECTION SUPPLIES,

**Additional ballots, application.** In case ballots or primary ballots are lost, destroyed or exhausted before closing the polls, an additional supply of ballots that shall be sufficient to comply with the law may be furnished upon written and sworn application, signed by one or a majority of the primary or election judges. (Hurd's Stat. 1919, ch. 46, pars. 302, 491.)

**Ballot boxes, construction.** Each ballot box must have an opening in the lid not larger than is sufficient to admit a single folded ballot when inserted at any one time, and be provided with a secure lock and key. (Hurd's Stat. 1919, ch. 46, pars. 40, 474.)

Any box having an opening at the top may be used for the reception of votes at a camp election. (Hurd's Stat. 1919, ch. 46, par. 576.)

**Ballot boxes, number and delivery.** The county board provides as many ballot boxes as are needed in each election precinct or district and delivers them to the judges of election. (Hurd's Stat. 1919, ch. 46, pars. 40, 41.)

**Ballot box, women.** No separate ballot box is now required for women. (Hurd's Stat. 1919, ch. 46, par. 546, et seq.)

**Ballot label and sample, voting machine.** In case voting machines are used, the election officials supply for every election four sets of ballot labels for use in the voting machine for each polling place.

consisting of cardboard, paper or other material placed on the front of the machine containing the names of the candidates or a statement of the proposed constitutional amendment or other question or proposition to be voted upon; they also provide two sample ballot labels arranged in the form of a diagram showing the entire front of the voting machine as it will appear after the official ballot labels are arranged for voting on election day and display them for public inspection at such polling place during the day preceding. (Hurd's Stat. 1919, ch. 46, pars. 440, 441, 442.)

**Cards of instructions, contents.** Instructions for the proper guidance of voters are printed on separate cards in large clear type containing information on how to obtain ballots, the manner of marking them, how to secure assistance for that purpose and how to obtain new ballots for such as are accidentally spoiled, how to secure copies of § 21 of the Ballot Law relating to booths and stationery, § 22 on the manner of voting and checking, §§ 23, 24 and 25 concerning, respectively, the manner of preparing the ballot, assisting illiterate voters and the penalty for withholding permission to employee to vote, and §§ 28 and 29 regarding electioneering and unlawful exhibition of the ballot. (Hurd's Stat. 1919, ch. 46, par. 305.)

**Custody.** In cities having election commissioners, as soon as an office has been secured and opened by them, the county clerk is required to turn over to

the commissioners all registration books, poll books, tally sheets, ballot boxes, stationery and other election supplies in his hands relating to elections held within the municipality. (Hurd's Stat. 1919, ch. 46, par. 173.)

The highest degree of care and diligence in guarding election ballots against unlawful interference is required of election officers who are charged with their custody. *Jeter v. Headley* (1900), 186 Ill. 34, 42.

**Delivery of ballots, receipt.** Twelve hours before the opening of the polls, twice the number of ballots voted for in the election precinct or district at the preceding election for state officers, and in cities, towns or villages having a board of election commissioners, ten per cent more ballots than the registered voters for such election, put up in sealed packages with marks on the outside designating the polling place and the number of ballots enclosed, are delivered to the judges of election for each election precinct or district and written receipt taken and preserved by the officer charged with the printing of such ballots. (Hurd's Stat. 1919, ch. 46, par. 302.)

**Election blanks, cost.** Election blanks for each election precinct or district are provided by the county clerk at the expense of the county at least ten days before an election is held. (Hurd's Stat. 1919, ch. 46, pars. 42, 473.)

Under the City Election Law the election commissioners prepare forms and print all the election blanks necessary for the registry of voters and the conduct of elections within their jurisdiction. (Hurd's Stat. 1919, ch. 46, par. 174.)

**Poll book, custody.** Under the City Election Law, it is the duty of the officer to whom poll books have been returned after a canvass of votes to safely keep them under lock and key until their surrender is lawfully ordered. (Hurd's Stat. 1919, ch. 46, par. 246.)

**Preserving ballots, sale.** Unless a contest is pending, in which case the ballots are to be disposed of after its final determination, ballots of a previous election that have been kept for the statutory period are by the officer who is charged with their removal from the original package, ground, and with all reserved and unused ballots, sold to the highest and best bidder for cash and the proceeds paid over to the city, county or other treasury which paid for such ballots. (Hurd's Stat. 1919, ch. 46, par. 59.)

Absent voters' rejected ballots, affidavits and envelopes unopened are retained and preserved as other official ballots. (Hurd's Stat. 1919, ch. 46, par. 563.)

**Primary poll books.** The authorities who supply poll books at general elections furnish primary poll books. (Hurd's Stat. 1919, ch. 46, par. 475.)



**Printing and publishing, authorities in charge.** The county clerk, in general elections, the city, town or village clerk or the board of election commissioners if there be one in city, village or town elections, and the town clerk in counties under township organization have charge of the printing of ballots, including specimen ballots, and of their publication. (Hurd's Stat. 1919, ch. 46, par. 307.)

**Printing, cards of instructions.** The same officers who are charged with the duty of printing ballots are also required to prepare, print and furnish to the judges of election a sufficient number of cards of instructions; which number must be at least one card for each voting booth, four cards to be posted about the polling place and five or more cards to be posted at as many places in each election precinct or district. (Hurd's Stat. 1919, ch. 46, pars. 305, 306.)

**Printing ballots, inspection.** In general elections, the county clerk, in city, town or village elections, the city, town or village clerk or the board of election commissioners if there be one, in towns in counties under township organization, the town clerk, and in towns in counties not under township organization, the road district clerk have charge of the printing of the ballots, which must be in their possession subject to inspection by the candidates at least two days before election.

Enough ballots are printed to supply twice as many ballots in an election precinct or district as

the number of persons voted at the preceding election for a state office, and in cities, towns or villages having a board of election commissioners, ten per cent more than the number of persons registered for the coming election, and such additional number of ballots as are sufficient to replace those which might be lost or destroyed. (Hurd's Stat. 1919, ch. 46, par. 302; ch. 121, par. 40.)

The number of ballots to be printed in localities in which voting by machine method prevails is within the discretion of the officers having charge of the printing and distributing official ballots. (Hurd's Stat. 1919, ch. 46, par. 566.)

**Printing ballots, non-high school district.** In an election for member of a board of education of a non-high school district, the ballots are printed and furnished by the county in a form prescribed by the county superintendent of schools. (Hurd's Stat. 1919, ch. 122, par. 93.)

**Printing ballots, school trustee.** In townships of 20,000 or more inhabitants, the township treasurer furnishes all ballots used at the election of school trustee, except in townships wholly or partially under the jurisdiction of election commissioners, when the ballots necessary for an election of school trustee are furnished by the election commissioners. (Hurd's Stat. 1919, ch. 122, par. 22, as amended.)

**Printing, supplemental list.** Election commissioners cause a supplemental list of all persons regis-

tered by its order or by the order of the county court, as well as a supplemental list of all persons ordered erased from the register, to be printed in sufficient quantity to accommodate the demands of each precinct. (Hurd's Stat. 1919, ch. 46, par. 209.)

**Printing ballots, township high school board.** In an election of a member of a township high school board of education, the ballots are printed and furnished by the township high school district. (Hurd's Stat. 1919, ch. 122, par. 86.)

Printing registers, see Register, precinct registers.

**Record of ballots.** The official or clerk who is charged with the printing, distribution and custody of election and primary ballots, keeps a record of the number of ballots delivered to each polling place, the name of the person to whom and the time when delivered; also of the number and character of the ballots returned, the time when and the person by whom the ballots were returned. (Hurd's Stat. 1919, ch. 46, pars. 313, 502.)

**Register and supplemental list, copies.** The election commissioners, on the day of election, deliver to each judge and clerk of election a printed copy of the register and supplemental lists. (Hurd's Stat. 1919, ch. 46, par. 209.)

**Register blanks, furnishings.** The secretary of state prepares and furnishes blanks for the registers for state elections. (Hurd's Stat. 1919, ch. 46, par. 148.)

**Return blanks, furnishing.** All necessary return blanks for primaries are furnished by the authorities who provide similar blanks for general elections. (Hurd's Stat. 1919, ch. 46, par. 475.)

**School trustees, ballots.** In townships of 20,000 or more inhabitants, the town treasurer furnishes all the ballots to be used at an election for trustees of schools. In townships wholly or partially under the jurisdiction of election commissioners, the ballots necessary for an election of school trustees are furnished by the election commissioners. (Hurd's Stat. 1919, ch. 122, par. 22, as amended.)

**Specimen ballot, contents.** A specimen ballot contains the names, residences and party or political affiliation of all of the candidates to be voted for in an election precinct or district, substantially in the form they appear on the general ballot to be used at the election. (Hurd's Stat. 1919, ch. 46, par. 306.)

**Specimen ballots, printing.** The number of specimen ballots must be enough to post at least five or more in each public place in the precinct or district where cards of instructions are posted and are printed by the same officers who print the ballots. (Hurd's Stat. 1919, ch. 46, par. 306.)

**Supplemental lists, distribution.** Any person of the ward, village or town who requests or demands it may be given a printed copy of the register and supplemental lists of voters. (Hurd's Stat. 1919, ch. 46, par. 209.)

**Tally sheets, form, furnishing for primaries.** Tally sheets for primary elections are furnished by the same authorities and in the same manner as at general elections and are in the following form :

Tally sheets for .....  
 (name of political party) for the.....  
 precinct, in the county of.....,  
 for a primary held on the.....day of  
 ....., A. D.....

(The names of all candidates for nomination, including those for precinct or ward committeeman, should be placed in the order in which they appear on the ballot.) (Hurd's Stat. 1919, ch. 46, pars. 475, 478.)

**Voting booth, construction and place.** The voting booth is thirty-two inches square, enclosed on three sides by sides of six feet four inches in height, and on one side, in front, closed by a curtain extending within two feet of the floor, with a shelf one foot wide at a convenient height for writing; the voting booths must be placed within the guard rail in plain view of the election officers and those outside of the guard rail. (Hurd's Stat. 1919, ch. 46, pars. 308, 473.)

**Voting booths, furnishing.** The officers who provide polling places also furnish or supply voting booths. The expense of providing voting booths is paid in the same manner as other election expenses. (Hurd's Stat. 1919, ch. 46, par. 308.)

**Voting booths, number.** Not less than one voting booth is provided to every seventy-five voters or fraction thereof who voted at the last preceding election in the precinct or district. (Hurd's Stat. 1919, ch. 46, pars. 308, 473.)

**Voting machines, bond.** Before voting machines can be used a bond must be given by the persons who sell or lease them, conditioned that the voting machines will keep in good working order for five years without additional cost. (Hurd's Stat. 1919, ch. 46, par. 430.)

**War ballots and supplies, delivery.** The commanding officer of a company or regiment in which an election for state officers is to be held, upon the organization of the board of judges, delivers to them the official war ballots, poll books and envelopes, taking their receipt therefor; which receipt he forwards by mail to the secretary of state. (Hurd's Stat. 1919, ch. 46, par. 576.)

**War envelopes.** The secretary of state causes to be prepared, printed, gummed and made ready for sealing at least twice as many official envelopes as there are voters absent from an election district as shown by the register; on one side of which envelope is printed an endorsement substantially as follows:

Official War Ballot for General Election.

November.....19.....

Name of voter.....

Residence (street and number, if any).....  
 County of .....  
 City or town of.....

.....  
 Secretary of State.

The other side of the envelope has the following  
 oath:

Oath of Elector.

I do solemnly swear (or affirm), that I am a citizen of the United States, and am now of the age of at least twenty-one years, or will be on the ..... day of ....., 19.....; that I have been an inhabitant of the State of Illinois for one year next preceding this election, and ninety days preceding such election, a resident of the county of....., and am a qualified voter residing at (street and number, if any)....., in the (city or town) of.....; that I am in the actual military (or naval) service of the State of Illinois, or of the United States, and at present attached to.....(here state the principal command to which attached), and that I have never been convicted of any crime (or if convicted, state the time and when pardoned by the Governor of any state).

.....  
 Subscribed and sworn to before me this.....  
 day of ....., A. D. 19.....

.....  
 Title of officer.

(Hurd's Stat. 1919, ch. 46, par. 573.)

**Writing material.** Pens, penholders, ink, blotters and pencils for each voting booth are supplied by the proper election officers. (Hurd's Stat. 1919, ch. 46, pars. 308, 473.)

### ELECTORS OF PRESIDENT AND VICE PRESIDENT.

**Canvassing board, meeting, tie.** Twenty days or sooner after election the secretary of state, the auditor of public accounts and the state treasurer in the presence of the Governor at the seat of government open and canvass the election returns for elector of President and Vice President of the United States and declare the result.

In case of a tie in the election of an elector of President and Vice President, the secretary of state gives five days' public notice, designating a time and place for disposition of the tie. On the day and place fixed by the notice, the canvassing board in the presence of the Governor decides by lot and declares who is entitled to the office. (Hurd's Stat. 1919, ch. 46, par. 2.)

**Certificate of election.** The Governor is by statute required to transmit by mail to each elector of President and Vice President a certificate of his election. (Hurd's Stat. 1919, ch. 46, par. 3.)

**Election.** Electors of President and Vice President of the United States are chosen in Illinois by vote of the people at a general election held every four years on Tuesday after the first Monday in



November; the next election will occur in 1924. (Hurd's Stat. 1919, ch. 46, par. 1.)

**Meeting, time and place.** By act of Congress, electors of President and Vice President meet on the second Monday in January following their appointment or election. In this state they meet at the seat of government and cast their vote by ballot. (Hurd's Stat. 1919, ch. 46, par. 4; 1 U. S. Comp. Stat. Ann., p. 69.)

**Mileage fees.** Electors of President and Vice President are entitled to \$3 for every twenty miles of necessary travel from and to the seat of government, paid on the warrant of the auditor of public 1919, ch. 46, par. 4; 1 U. S. Comp. Stat., p. 169, art. 2, § 1.

**Number of electors.** The number of electors of President and Vice President equals the number of United States senators and representatives in Congress. By virtue of the Constitution, each state is represented by two senators. The number of representatives depends upon the population which is apportioned every ten years under act of Congress. The last apportionment was made in 1911 to take effect in 1913. By that apportionment, Illinois was given twenty-seven representatives in Congress, which, together with two senators, allow Illinois twenty-nine electors of President and Vice President. U. S. Const., art. 1, §§ 2, 3; art. 2, § 1; Amend. 14; 1 U. S. Comp. Stat., pp. 15, 68.

**Qualification.** Any person is eligible to appointment or election as elector of President or Vice President of the United States, except United States senators and representatives in Congress, or those who hold office of trust or profit under the United States government. (U. S. Const., art. 2, § 1.)

**Vacancy.** The non-appearance of an elector of President and Vice President at the seat of government at twelve o'clock on the day that the vote is to be cast, creates a vacancy in his office which may be filled by the electors present appointing any person or persons in place of the elector chosen and absent. The appointee cannot act if the elector chosen appears before the electoral vote is actually cast. (Hurd's Stat. 1919, ch. 46, par. 5.)

## EVIDENCE AND DEPOSITIONS.

**Abstract or result.** The result declared by the city canvassing board and entered of record in the county court is conclusive as to the votes cast at a city election. (Hurd's Stat. 1919, ch. 46, par. 254.)

**Adoption of City Election Law, judicial notice.** Courts are required to take judicial notice of the regular adoption of the City Election Law. (Hurd's Stat. 1919, ch. 46, par. 164); *People v. Coit* (1919), 215 Ill. App. 574, 577.

**Admission of opponent.** The admission by one of the contestants that his opponent was elected is insufficient to establish the fact of the election. *Bahe v. Jones* (1890), 132 Ill. 134, 137.

**Affidavits as to meaning of ballot.** The affidavit or testimony of a voter explaining how he intended to vote on a proposition is admissible if the voter at the particular election was not restricted to the use of an ambiguous ballot prepared by the election officers, but could have prepared his own ballot in a form to express his sentiment upon the proposition submitted. *People v. Sullivan* (1910), 247 Ill. 176, 184.

**Anti-saloon territory certificate, execution.** The certificate that a city under the election commissioners' system is within anti-saloon territory must be signed by the election commissioners and not by the city clerk. *People v. Coit* (1919), 215 Ill. App. 574.

**Assisting voter, witnesses.** An election officer who has assisted a voter in marking his ballot is incompetent to testify as to how the ballot was marked, even where the assistance was rendered without the taking of an oath as to the disability. *Gill v. Shurtleff* (1900), 183 Ill. 440, 447.

**Ballots and returns, admissibility.** (1) The ballots are evidence of a more controlling character than the returns or count of the judges and clerks of election when they have been preserved in the manner and by the officers prescribed in the statute and have not been so exposed to the reach of unauthorized persons as to afford a reasonable probability of their having been changed or tampered

with. *Catron v. Craw* (1896), 164 Ill. 20, 23; *Collier v. Anlicker* (1901), 189 Ill. 34, 38; *Beall v. Albert* (1895), 159 Ill. 127, 132; *Kingery v. Berry* (1880), 94 Ill. 515, 520.

Since the enactment of the present Ballot Law, a greater degree of care than formerly is taken in the preservation of ballots and more caution is used in admitting them as evidence. *Beall v. Albert* (1895), 159 Ill. 127, 135.

Ballots are the best evidence for determining the result of an election if they were properly strung, sealed up and preserved by the proper officer until the seal was broken for use as evidence, although they were kept in an unlocked bureau drawer in the officer's dwelling. *Apple v. Barcroft* (1895), 158 Ill. 649, 652.

Failure to string, seal, keep in the manner, and deliver ballots within the time required by statute does not destroy their evidentiary value, if it be shown that they are in the same condition as when cast at the election. *Strubinger v. Ownby* (1919), 290 Ill. 380, 383.

It is enough to invalidate the ballots as against the returns to show that there existed an opportunity for tampering with the ballots by unauthorized persons, without also showing an actual unlawful interference. *Rottner v. Buchner* (1913), 260 Ill. 475, 478.

Ballots are not preserved according to law if after they have been counted and without making procla-

mation or announcement of the result they are tied but not sealed up and together with the tally sheets and poll books are placed in the ballot box, locked and left over night on a shelf in an unlocked hall. *Catron v. Craw* (1896), 164 Ill. 20, 26.

The question whether election ballots have been properly preserved after they have been returned to the proper officer is one of fact to be determined by all the circumstances in each case. *Kreider v. McFerson* (1901), 189 Ill. 605.

(2) The returns when regularly made will prevail over a re-count of ballots which appear to have been tampered with, in the absence of proof of omission of duty, negligence, fraud or misconduct on the part of the election officers, although it cannot be shown by the most clear and convincing proof that the ballots have been so kept as to preclude all idea of their having been changed. *Jeter v. Headley* (1900), 186 Ill. 34, 42; *Caldwell v. McElvain* (1900), 184 Ill. 552, 554, 555.

The proclamation of the judges of election is essential to making their return prima facie evidence of the result of the election. *Catron v. Craw* (1896), 164 Ill. 20, 29.

Before the tally sheets and poll lists can be accepted as conclusive evidence of the result of an election, it should appear that the judges and clerks of election were careful in the performance of their duty. *Catron v. Craw* (1896), 164 Ill. 20, 23.

The returns are not accepted as conclusive of the result of an election as against the ballots if the

with. *Catron v. Craw* (1896), 164 Ill. 20, 23; *Collier v. Anlicker* (1901), 189 Ill. 34, 38; *Beall v. Albert* (1895), 159 Ill. 127, 132; *Kingery v. Berry* (1880), 94 Ill. 515, 520.

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Failure to string, seal, keep in the manner, and deliver ballots within the time required by statute does not destroy their evidentiary value, if it be shown that they are in the same condition as when cast at the election. *Strubinger v. Ownby* (1919), 290 Ill. 380, 383.

It is enough to invalidate the ballots as against the returns to show that there existed an opportunity for tampering with the ballots by unauthorized persons, without also showing an actual unlawful interference. *Rottner v. Buchner* (1913), 260 Ill. 475, 478.

Ballots are not preserved according to law if after they have been counted and without making procla-

with all the other evidence in the case, especially when it clearly appears that the returns are also discredited. *Jackson v. Winans* (1919), 287 Ill. 382, 390.

**Ballots, burden of proof.** In a contested election based upon errors made in counting the ballots and making returns, the contestant has the burden of proving that the ballots have been kept intact substantially as required by statute and have been preserved in such manner as to afford no reasonable opportunity for tampering with them. *Dennison v. Astle* (1917), 281 Ill. 441, 442.

The contestant and not the respondent has the burden of proof that the ballots are those cast at the election and are in the same condition as when cast. *Strubinger v. Ownby* (1919), 290 Ill. 380, 383.

Unless a contestant shows that the ballots have been so kept that no reasonable opportunity was afforded for tampering with them, they do not overcome the returns. *Graham v. Peters* (1910), 248 Ill. 50, 54.

**Ballots, criminal prosecution.** Ballots that should have been but were not actually destroyed at the end of six months are admissible in evidence in a criminal prosecution. *People v. Newsome* (1919), 291 Ill. 11, 17.

**Ballots, grand jury investigation and criminal prosecutions.** After the time for a contest has expired, or if a contest has been instituted, after its

final determination, a court has power to require the custodian of ballots to produce them for the inspection of the grand jury and to be used as evidence in a criminal prosecution. *People v. Lueders* (1915), 269 Ill. 205, 211.

**Ballots, impeachment.** The ballots may be impeached even after they have been opened and counted. *Welsh v. Shumway* (1908), 232 Ill. 54, 57.

The fact that a re-count has been ordered upon proof of a prima facie case that the ballots have not been tampered with is not conclusive of their actual condition. *Kreitz v. Behrensmeyer* (1888), 125 Ill. 141, 173, 174.

**Leaving ballots unsealed and in an exposed condition** after they are counted and the result ascertained destroys their probative effect, unless it can be shown that the ballots have not been changed or tampered with previous to their delivery to the proper custodian. *Eggers v. Fox* (1898), 177 Ill. 185, 192.

**Certified copy of abstract or result.** A certified copy of the abstract or result of an election entered of record in the county court is binding upon all public officers within the state. (Hurd's Stat. 1919, ch. 46, par. 249.)

**Character or nature of vote, incrimination, circumstantial evidence.** A legal voter cannot be compelled to disclose for whom he voted. So a person who is claimed to have voted illegally, cannot be



forced to answer questions to which the answers would incriminate him. But circumstantial evidence, such as party affiliation, the relation with candidates, etc., are admissible to show how a person voted, and are generally sufficient to prove the nature or character of the vote. *Sorenson v. Sorenson* (1901), 189 Ill. 179, 183; *Welsh v. Shumway* (1908), 232 Ill. 54, 85.

It is presumed that members of a political party usually vote for their party ticket. *Choisser v. York* (1904), 211 Ill. 56, 60.

**Citizenship, burden of proof.** To shift the burden of proof that a person is not a citizen of the state, it is only necessary to introduce such proof as renders the existence of a negative probable. *Behrensmeyer v. Kreitz* (1891), 135 Ill. 591, 632.

**Declaration of voter, admissibility.** The declaration of a voter impeaching his right to vote made at or about the time of election is admissible as part of the *res gestae*. *Eggers v. Fox* (1898), 177 Ill. 185, 191; *Behrensmeyer v. Kreitz* (1891), 135 Ill. 591, 623, 624; *Beardstown v. Virginia* (1876), 81 Ill. 541, 549.

So, a statement by a voter that he voted twice at the same election, made three days afterwards, is admissible. *Eggers v. Fox*, *supra*.

These declarations are inadmissible in evidence if made long after the election. *Collier v. Anlicker* (1901), 189 Ill. 34, 46.

**Deposition, member of General Assembly.** The officer before whom a deposition in a contest for member of the General Assembly is taken has the same powers to compel the production of papers and the attendance of witnesses as in taking depositions for use in courts of law and equity.

After a deposition has been taken, the deposition and a copy of the notice to take it, with proof of its service are sealed up; and the envelope indorsed with the names of the contesting parties, the office contested and the nature of the papers, is transmitted by mail or otherwise to the secretary of state, who, on or before the second day of the session next after its receipt, delivers a copy of the notice of contest deposited with him and the papers unopened to the presiding officer of the branch of the General Assembly to which the contest relates; whereupon the presiding officer immediately notifies his house that the papers are in his possession. (Hurd's Stat. 1919, ch. 46, pars. 108, 109, 110.)

**Falsified ballots.** Under the present Ballot Law, which does away with the numbering of ballots, a voter cannot be called in a contested election to show that his ballot had been falsified. *Beall v. Albert* (1895), 159 Ill. 127, 135.

**Fraud.** Fraud in the conduct of an election may be shown by circumstantial evidence. *Brents v. Smith* (1911), 250 Ill. 521, 534.

**Illegal voting, burden of proof, negative probable.** On a charge of illegal voting, the contestant has the

burden of producing proof sufficient to render the existence of a negative probable in order to remove the presumptions of innocence on the part of the voter and of regularity and correctness of the official action of the election officers. *Rexroth v. Schein* (1903), 206 Ill. 80, 84.

**Incorporation of city, judicial notice.** Courts take judicial notice that a city is incorporated under the City and Village Act. *Welsh v. Shumway* (1908), 232 Ill. 54, 59.

**Intention of voter.** A ballot is read in the light of all the circumstances surrounding the election and the voter and is liberally construed, giving effect to the intention of the voter if it can be determined with reasonable certainty. *Behrensmeyer v. Kreitz* (1891), 135 Ill. 591, 615.

Parole evidence is inadmissible to explain the intent of a voter where the name is written plainly by initials and there is a person in the district by that name although not a candidate. *McCreery v. Burnsmier* (1920), 293 Ill. 43, 50.

Previous to the adoption of the Australian Ballot Law, an elector was permitted to testify as to the person for whom he voted. *McKinnon v. People* (1884), 110 Ill. 305, 308.

**Lunatics, presumption.** A person will be presumed to be of sound mind unless his lunacy is proven by valid finding or judgment. *Behrensmeyer v. Kreitz* (1891), 135 Ill. 591, 638.

**Majority votes, presumption.** In determining the majority of votes cast in a county, the votes cast at the election is prima facie evidence of not only its result, but also of the number of legal votes in the county; which presumption is not rebutted by the registry lists. *People v. Garner* (1868), 47 Ill. 246, 253.

**Mayor, judicial notice.** The fact that a mayor has been elected under the City and Village Act is not judicially noticed but must appear affirmatively from the record. *Brush v. Lemma* (1875), 77 Ill. 496, 499.

**Naturalization certificate, impeachment.** Certificates of naturalization issued by a court of competent jurisdiction can not be impeached because improperly granted or for the reason that they were obtained by false or perjured testimony. *Behrens-meyer v. Kreitz* (1891), 135 Ill. 591, 630.

**Naturalization, presumption, challenging voter, burden of proof.** Naturalization is presumed from the fact that an alien has voted at an election; which presumption is not overcome by mere proof that the alien is not naturalized if he came to this country with his parents during his minority. To overcome such presumption it must be shown that neither his parents nor he has been in fact naturalized.

The presumption in favor of the validity of an alien's vote is overcome if he claims that he has the right to vote but refuses to answer whether he

has been naturalized or to say when or where or in what court he was naturalized.

Upon challenging an alien who claims citizenship through his father's naturalization, the challenger must introduce evidence tending to show that the father had not been naturalized before the son can be required to produce the record or certificate of such naturalization. *Behrensmeyer v. Kreitz* (1891), 135 Ill. 591, 627, 628, 634, 637.

**Notice of taking depositions, member of the General Assembly, state office.** In a contest for member of the General Assembly, five days' notice is sufficient for taking deposition if the party entitled to it resides in the county where the deposition is to be taken.

Ten days' notice and one day additional, including Sunday, for every fifty miles' travel from the place of residence of the deponent to the place where the deposition is to be taken is necessary if the party resides beyond the county.

In a contest for state office, it is only necessary to give reasonable notice of the time and place of taking depositions. (Hurd's Stat. 1919, ch. 46, pars. 102, 107.)

**Poll books.** In a collateral proceeding, the poll books are controlling until overcome by satisfactory evidence. *Boren v. Smith* (1868), 47 Ill. 482, 485.

**Polling place, establishment.** The omission of the county board to make a record of the establish-

ment of a voting or polling place, will not avail an election officer who was served with notice of his appointment, who took his oath of office and who acted in an official capacity and is charged with a violation of the Election Laws. *People v. Newsome* (1919), 291 Ill. 11, 17.

**Privilege of witness.** In an election contest, as in any other case, a witness is not bound to answer if it will criminate or expose him to punishment, and he may claim his privilege on that account; but neither the court nor either of the parties to the proceeding can claim the privilege for him. *Eggers v. Fox* (1898), 177 Ill. 185, 189.

**Proclamation.** The proclamation of the result of a canvass of votes is prima facie evidence. (Hurd's Stat. 1919, ch. 46, par. 242.)

**Production of ballots, grand jury investigation.** The only occasion when election commissioners may lawfully produce ballots that have been sealed and returned to them under the statute is in case of a contest of an election; in all other cases, including an investigation before a grand jury, the commissioners are without power or authority to produce such ballots. *Keenan v. People* (1895), 58 Ill. App. 241, 247.

**Res gestae, admissions against interest.** Remarks of an election judge made two or three weeks before election, that it would be easy to take a short lead pencil between the fingers and alter bal-

lots when in the act of canvassing them, are admissible in evidence upon his indictment for fraud, corruption, partiality or misbehavior. *People v. Newsome* (1919), 291 Ill. 11, 19.

Returns, admissibility, see Ballots.

**Returns, prima facie evidence.** A copy of the election returns certified to by the secretary of state is prima facie evidence in all courts, proceedings and election contests. (Hurd's Stat. 1919, ch. 46, par. 62.)

**Vote, presumption.** The legality of a vote is presumed from the fact of its deposit in the ballot box and not from the omission to challenge or to object to it. *Clark v. Robinson* (1878), 88 Ill. 498, 504.

#### FINANCE DIRECTOR AND ASSISTANT.

Appointment and term of office, see Governor, civil administrative officers.

#### FIRE AND POLICE COMMISSIONERS.

**Appointment.** Cities of 7,000 to 200,000 inhabitants that have adopted the Fire and Police Commissioners Act of 1919 have three fire and police commissioners, one person being appointed annually by the mayor, by and with the consent of the city council, or by the city council in cities under the commission form of government. (Hurd's Stat. 1919, ch. 24, pars. 434a, 434b, 434s.)

**Qualification.** Applicants for fire and police commissioner must possess the same qualifications as are required of other city officers. (Hurd's Stat. 1919, ch. 24, par. 434c.)

**Term of office.** A fire and police commissioner is appointed for a three years' term. (Hurd's Stat. 1919, ch. 24, par. 434a.)

#### FIREMEN'S PENSION BOARD.

**Election.** In cities between 5,000 and 200,000 inhabitants and in cities of over 200,000 inhabitants, on the third Monday in April, annually and without cumulative voting, one person is elected from the active firemen and one person is elected from the retired firemen, who, with the city treasurer, city clerk, marshal or chief officer of the fire department, and the comptroller or chief officer of the finance department, constitute the board of trustees of the firemen's pension fund. (Hurd's Stat. 1919, ch. 24, pars. 404, 419.)

**Term of office.** The members of the firemen's pension board hold office for a term of two years. (Hurd's Stat. 1919, ch. 24, pars. 404, 419.)

**Vacancy.** In case of vacancy, the board fills it by special election. (Hurd's Stat. 1919, ch. 24, pars. 404, 419.)

#### FOOD STANDARD COMMISSION.

The two food standard officers and the superin-



tendent of foods and dairies constitute the food standard commission. (Hurd's Stat. 1919, ch. 24½, par. 5.)

Appointment and term of office, see Governor, civil administrative officers.

**Qualification.** One of the food standard officers must be a representative of the Illinois food manufacturing industries and the other an expert food chemist of known reputation. (Hurd's Stat. 1919, ch. 24½, par. 7.)

#### FOODS AND DAIRIES SUPERINTENDENT.

Appointment and term of office, see Governor, civil administrative officers.

#### FREE EMPLOYMENT OFFICES SUPERINTENDENT.

Appointment and term of office, see Governor, civil administrative officers.

#### GOVERNOR.

**Civil administrative officers, appointment and term of office.** Upon election and qualification the Governor nominates persons to the several positions created by the Civil Administrative Code, which nominations the senate may or may not confirm. When the senate is not in session, temporary appointments are made by the Governor, subject to confirmation at the next session of the senate. Ex-

cept members of the Normal school board and of the state tax commission, each appointee whose appointment is confirmed by the senate holds office for a term of four years from the second Monday in January next after the election of the Governor and until the appointee's successor is appointed and qualified. (Hurd's Stat. 1919, ch. 241½, pars. 12, 13.)

**Election.** At the fall election of 1924 and every four years thereafter a Governor is elected in Illinois. (Hurd's Stat. 1919, ch. 46, par. 7.)

**Nominating petition, signatures, filing.** A nominating petition for the office of Governor must be signed by not less than one nor more than two thousand of his party's primary electors and filed in the office of the secretary of state not less than forty nor more than sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for Governor are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Proclamation.** The Governor causes a proclamation to be made of the result of the canvass of the returns for the offices of United States senator, Congressman, Supreme Court judge, United States senator, representative in the General Assembly and university trustees, as well as upon any amendment to the Constitution or propositions submitted to the

electors of the entire state. (Hurd's Stat. 1919, ch. 46, par. 78.)

**Qualification.** A candidate for Governor must have reached the age of thirty years, be a resident of the United States and the state of Illinois for five years next preceding his election, and when elected must reside at the seat of government and during his term is ineligible for any other office. (Const. 1870, art. 5, §§ 1, 5.)

**State canvassing board.** The Governor is a member of the state canvassing board. (Hurd's Stat. 1919, ch. 46, par. 78.)

**State library commissioner.** The Governor is ex officio state library commissioner and acts as president of the board. (Hurd's Stat. 1919, ch. 128, par. 1.)

**Vacancies, circuit court judge.** In case of a vacancy in the office of judge of the circuit court, if the unexpired term is less than a year and the fact is brought to the attention of the Governor by the clerk of the court, the Governor fills the vacancy by appointment; and if the unexpired term exceeds a year, the vacancy is filled by special election. (Hurd's Stat. 1919, ch. 46, par. 131.)

**Vacancies, city court judge.** In case of a vacancy in the office of judge of a city court, which has an unexpired term of less than a year, the Governor fills the vacancy by appointment. (Hurd's Stat. 1919, ch. 37, par. 244.)

**Vacancies, clerk of the circuit court.** In case of a vacancy in the office of clerk of the circuit court in which the unexpired term exceeds one year, the Governor calls a special election to fill the vacancy as in other cases. (Hurd's Stat. 1919, ch. 46, par. 132.)

**Vacancies, clerk of the superior court.** In case of a vacancy in the office of clerk of the Superior court of Cook county in which the unexpired term exceeds one year, the Governor calls a special election to fill the vacancy. (Hurd's Stat. 1919, ch. 46, par. 132.)

**Vacancies, clerk of the Supreme Court.** In case of a vacancy in the office of clerk of the Supreme Court in which the unexpired term exceeds one year, the Governor calls a special election to fill the vacancy. (Hurd's Stat. 1919, ch. 46, par. 132.)

**Vacancies, Congressman.** In case of a vacancy in the office of representative in Congress, the Governor appoints a day to hold a special election and issues a writ thereon to the county clerks of the several counties in which the vacancy exists. (Hurd's Stat. 1919, ch. 46, par. 130.)

In case of a vacancy in the office of representative in Congress, it is compulsory upon the Governor to order a special election to fill the vacancy. (1917-18 Atty. Gen. Rep. 315.)

**Vacancies, county judge.** In case of a vacancy in the office of judge of the county court, if the unex-

pired term is less than a year and the fact is brought to the attention of the Governor by the clerk of the court, the Governor fills the vacancy by appointment; and if the unexpired term exceeds a year, the vacancy is filled by special election. (Hurd's Stat. 1919, ch. 46, par. 131.)

**Vacancies, representative.** In case of a vacancy in the office of representative in the General Assembly and notice from the county clerk that such a vacancy exists, the Governor issues a writ of election to the county clerk or clerks fixing a day upon which an election shall be held to fill the vacancy. (Hurd's Stat. 1919, ch. 46, par. 129.)

**Vacancies, sheriff.** It is obligatory upon the Governor to remove a sheriff who, or when his deputy fails to protect a prisoner from mob violence, and to declare his office vacant. (Hurd's Stat. 1919, ch. 38, par. 256a.)

**Vacancies, state senator.** In case of a vacancy in the office of state senator and notice from the county clerk that such a vacancy exists, the Governor issues a writ of election to the county clerk or clerks fixing a day upon which an election shall be held to fill the vacancy. (Hurd's Stat. 1919, ch. 46, par. 129.)

**Vacancies, superior court of Cook county judge.** In case of a vacancy in the office of judge of the superior court of Cook county, if the unexpired term is less than a year and the fact is brought to the attention of the Governor by the clerk of the court,

the Governor fills the vacancy by appointment; and if the unexpired term exceeds a year, the vacancy is filled by special election. (Hurd's Stat. 1919, ch. 46, par. 131.)

**Vacancies, Supreme Court judge.** In case of a vacancy in the office of judge of the Supreme Court, if the unexpired term is less than a year and the fact is brought to the attention of the Governor by the clerk of the court, the Governor fills the vacancy by appointment; and if the unexpired term exceeds a year, the vacancy is filled at a special election. (Hurd's Stat. 1919, ch. 46, par. 131.)

**Vacancies, United States senator.** In case of a vacancy in the office of United States senator, the Governor fills the vacancy by temporary appointment until the next election for representative in Congress. (Hurd's Stat. 1919, ch. 46, par. 130a.) See United States Senator, vacancy.

**Vacancy.** The office of Governor becomes vacant upon his death, the conviction on impeachment, failure to qualify, resignation, absence from the state or other disability, when the duties of Governor for the rest of the term or during his disability devolve upon the Lieutenant Governor, or in case of his disability, upon the president of the senate, and in case of the latter's disability, upon the speaker of the house of representatives. (Const. 1870, art. 5, §§ 17, 19.)

Vacancy, see Vacancies, Governor and Lieutenant Governor.

GOVERNOR, see COMMISSION.

GUARD RAIL, see POLLING PLACE.

HIGH SCHOOL BOARD.

In townships of 8,000 to 100,000 inhabitants that have been entirely or in part created a high school district, members of the board of education are chosen from the respective school districts according to a certain ratio of representation and hold office while they continue to represent their districts. (Hurd's Stat. 1919, ch. 122, pars. 463, 464.)

HIGHWAY COMMISSIONER.

The office of highway commissioner may be abolished in towns lying wholly within cities of more than 50,000 population by adopting the Township Act of 1901. (Hurd's Stat. 1919, ch. 24, pars. 643, 645.)

**Appointment, certificate of.** Upon the appointment by the county board of a highway commissioner to fill a vacancy, the certificate of appointment is immediately filed by the county clerk with the district clerk, who forthwith notifies the appointee. (Hurd's Stat. 1919, ch. 121, par. 49.)

**Drainage commissioner.** In counties under township organization, the highway commissioner is ex officio drainage commissioner in and for all drainage districts in his town. (Hurd's Stat. 1919, ch. 42, par. 75.)

**Election.** In counties under township organization, as well as in counties not under township organization, but not in road districts included within the limits of a city or village, the election of highway commissioner is held the first Tuesday in April to fill a vacancy. (Hurd's Stat. 1919, ch. 121, pars. 42 (D), 43.)

**Nature of office.** The office of commissioner of highways is a town office. *People v. Markiewicz* (1907), 225 Ill. 563, 565.

**Qualification.** No one is eligible to the office of highway commissioner unless he is a legal voter and has been a resident in the town or district for one year. (Hurd's Stat. 1919, ch. 121, par. 42D.)

**Resignation.** In counties not under township organization, a justice of the peace residing in the road district, or in case there be no such justice, then any justice in the county, may, upon sufficient cause shown him, accept the resignation of a highway commissioner and must thereupon forthwith give notice thereof to the district clerk. (Hurd's Stat. 1919, ch. 121, par. 49.)

**Term of office.** The term of highway commissioner is two years and until his successor is duly elected and qualified. (Hurd's Stat. 1919, ch. 121, par. 42.)

**Vacancy.** In counties under township organization the town board of appointment fills vacancies



in the office of highway commissioner; in counties not under township organization a vacancy in the office of highway commissioner is filled by the county board until the next annual election and a successor is elected and qualified. (Hurd's Stat. 1919, ch. 121, par. 48.)

#### HIGHWAYS SUPERINTENDENT.

Appointment and term of office, see Governor, civil administrative officers.

#### HOLIDAYS.

**General elections only.** Under the City Election Law, general elections held for state representatives alone are holidays. (Hurd's Stat. 1919, ch. 46, par. 190.)

HOLIDAY, see ELECTION CALENDAR.

#### ILLINOIS COMMERCE ASSISTANT COMMISSIONERS.

**Appointment.** The Governor may appoint not to exceed eight assistant commissioners to hold office at his pleasure. (Commerce Commission Law, 1921, § 3.)

**Qualification.** No one is eligible to appointment as assistant commissioner unless he be qualified by professional training or previous experience to make property valuations or to estimate proper rates of service of public utilities or to examine other ques-

tions coming before the commission by taking testimony or by independent investigation. (Commerce Commission Law, 1921, § 3.)

### ILLINOIS COMMERCE COMMISSION.

This commission consists of seven members and is a part of the department of trade and commerce. (Commerce Commission Act, 1921, § 1.)

**Appointment.** When the senate is in session, the Governor by and with the advice and consent of the senate appoints the members of the Illinois Commerce commission; during recess of the senate, the same authority makes a temporary appointment until the next meeting of the senate. The chairman of the commission is from time to time designated by the Governor. (Commerce Commission Law, 1921, § 1.)

**Qualification.** Being in the employ of or holding any official relation to any corporation or person subject in whole or in part to regulation by the commission, or holding stocks or bonds in any such corporation, or being in any other manner pecuniarily interested therein, disqualifies a person from holding the office of Illinois commerce commissioner. (Commerce Commission Law, 1921, § 4.)

**Term of office.** A person appointed Illinois commerce commissioner holds office for a term of four years from the third Monday in January next after the election of Governor and until his successor is

appointed and qualified. (Commerce Commission Law, 1921, § 1.)

**Vacancy.** An Illinois commerce commissioner ipso facto vacates his office by accepting employment from any corporation or person that is subject in whole or in part to the regulation of the commission, or by acquiring stocks or bonds in any such corporation, or by being in any other manner pecuniarily interested therein, directly or indirectly. (Commerce Commission Law, 1921, § 4.)

A vacancy in the office of Illinois commerce commissioner or assistant commissioner is filled in the same manner as in case of original appointment.

#### ILLINOIS FREE EMPLOYMENT OFFICE ADVISORS, LOCAL.

The membership and qualifications of local Illinois free employment office advisors for each free employment office are the same as for the general board. (Hurd's Stat. 1919, ch. 241½, pars. 6, 7.)

#### ILLINOIS FREE EMPLOYMENT OFFICE ADVISORS, GENERAL.

The general board of Illinois free employment office advisors consists of five persons. (Hurd's Stat. 1919, ch. 241½, par. 6.)

Appointment and term of office, see Government civil administrative officers.

**Qualification.** Of the five Illinois free employment office advisors, two must be representatives

of employers, two representatives of organized labor, and one a representative citizen who is neither an employer nor an employee. (Hurd's Stat. 1919, ch. 24½, par. 7.)

#### ILLINOIS HISTORICAL LIBRARY TRUSTEES.

Three persons well versed in Illinois history and qualified by habit and disposition to discharge the duties of trustee are (statute fixes no time for appointment) by the Governor by and with the consent of the senate appointed as trustees of the Illinois historical library to hold office for a term of two years and until their successors are appointed and commissioned. (Hurd's Stat. 1919, ch. 127d, par. 14.)

#### ILLINOIS STATE TEACHERS' PENSION BOARD.

**Appointment.** After the first appointment annually on or before January 1, the Governor appoints one member of a board consisting of three appointive members, the state treasurer and the superintendent of public instruction to administer the Illinois state teachers' pension and retirement fund. (Hurd's Stat. 1919, ch. 122, pars. 580, 582.)

**Nominating petition, filing, certification.** Not less than thirty days previous to date of appointment, a candidate for member of the board of trustees must file with the superintendent of public

instruction a petition signed by not less than 100 contributors or annuitants, giving the post office address of the signers and the name and district number of the school of signers who are then engaged in teaching school, together with the name of the county in which the school is located. Not less than twenty days previous to appointment, the superintendent of public instruction is required to certify to the Governor in the order of filing and alphabetically the names of all persons for whom petitions were filed. (Hurd's Stat. 1919, ch. 122, par. 583.)

**Qualification.** A candidate for appointment as member of the board of trustees of the Illinois state teachers' pension and retirement fund must be either a contributor or an annuitant under the act creating the fund and must file a nominating petition as such candidate. (Hurd's Stat. 1919, ch. 122, par. 582.)

**Term of office.** The appointive members of the board of trustees of the Illinois state teachers' pension and retirement fund hold office for a term of three years. (Hurd's Stat. 1919, ch. 122, par. 582.)

**Vacancy.** A vacancy in the office of trustee of the Illinois state teachers' pension and retirement fund is filled by the board of trustees for the unexpired term. (Hurd's Stat. 1919, ch. 122, par. 584.)

#### IMMIGRANTS' COMMISSION.

The director of the department of registration and

education and five members compose the immigrants' commission. (Hurd's Stat. 1919, ch. 24½, par. 6.)

Appointment and term of office, see Governor, civil administrative officers.

#### INDUSTRIAL COMMISSION.

This commission consists of five industrial officers. (Hurd's Stat. 1919, ch. 24½, par. 5.)

Appointment and term of office, see Governor, civil administrative officers.

**Qualification.** Two of the industrial officers must be representative citizens of the employing class operating under the Workmen's Compensation Act, two must represent citizens chosen from among the employees operating under the Act, and the other must be a representative citizen not identified with either the employing or employee classes. (Hurd's Stat. 1919, ch. 24½, par. 7.)

#### INSURANCE SUPERINTENDENT.

Appointment and term of office, see Governor, civil administrative officers.

#### INTERSTATE HARBOR COMMISSION.

This commission consists of two Indiana members appointed by its Governor, a member selected and appointed by the chief of engineers of the United States army and the secretary of war, the director

of the department of public works and buildings, and the superintendent of the divisions of waterways. (Laws, 1921, p. 37.)

#### JUDGES OF ELECTION,

**Absence or refusal to act, primaries.** In case of absence or refusal to act at the time of opening the polls by one, two or all of the primary judges, one, two or three of the qualified electors of the precinct may be selected by the qualified electors present to act as primary judge or judges for such election. (Hurd's Stat. 1919, ch. 46, par. 466.)

**Administering oath.** Oaths may be administered by judges of election to persons who have been challenged as voters and to witnesses as to qualifications of voters. (Hurd's Stat. 1919, ch. 46, par. 69.)

**Affidavits, return.** Affidavits made by persons who have been challenged and affidavits left with judges of election at registration, revision or election are enclosed in a separate envelope, securely sealed with sealing wax or other adhesive material, and across the seal each of the judges signs his name; which envelope is returned with the registers or poll book to the office of the election commissioners or county clerk. (Hurd's Stat. 1919, ch. 46, pars. 67, 226.)

**Annual town meeting.** The supervisor, assessor and collector of the town are ex officio judges of election in their town. (Hurd's Stat. 1919, ch. 139, par. 56.)

**Appointment, date of.** In counties not under township organization, judges of election are appointed every year in June or July at a regular or special meeting of the county board of commissioners; in counties under township organization, the appointment of election judges when not made by election commissioners takes place in June at a regular or special meeting of the county board of supervisors. (Hurd's Stat. 1919, ch. 46, pars. 32, 33.)

**Appointment in cities.** In cities organized under the City and Village Act, located in counties under township organization and having no election commissioners, the city council, under art. 4, § 9 of said act, and not the county board, appoints the judges of election, designates the polling places and fixes the boundaries of election precincts for city elections. *Welsh v. Shumway* (1908), 232 Ill. 54, 66, 68.

**Appointment under City Election Law.** At least sixty days previous to an election or sixty days prior to the election occurring immediately after the expiration of the term of office of judge and clerk of election, the board of election commissioners select three judges and two clerks of election for each precinct.

If the commissioners represent only two of the leading political parties, the party represented by a majority of the commissioners is entitled to two judges in even and one judge in odd numbered precincts and also to one clerk in each precinct; and the party represented by a minority number of the



commissioners is entitled to one judge and one clerk in each even numbered precinct and two judges and one clerk in odd numbered precincts. If the commissioners represent three political parties or if there be no such representation but a third party consists of a "respectable" number, each party is entitled to one representative as judge in each precinct.

A proposed selection or nomination of a judge or a clerk may be vetoed by any commissioner; and if there can be no agreement upon an appointment, the judge or clerk may be selected by the second leading political party from a list of six eligibles presented by the commissioner or commissioners of the first leading political party and entitled to be represented by such judge or clerk. Each person selected is notified to appear for examination within a specified time. If he fails to appear another person is selected and notified as before.

If upon examination the person selected possesses the proper qualifications, a report of the selection and application for confirmation and appointment is made and filed with the county court. An order is thereupon entered to show cause, if any, by a day fixed, against the confirmation and appointment.

A notice of the order showing the names of all the judges and clerks and giving their residence and precinct for which they had been selected is immediately published in one or more newspapers of the city, village or town; if there be no newspaper pub-

lished, the notice is posted in three of the most public places.

The selection and appointment is confirmed by order of court at least thirty-five days before the next election if no cause is shown, if cause be shown, the court hears evidence and considers the objections and either confirms or refuses to confirm the nomination without giving reasons, within the time above specified.

In case of confirmation, a commission under the seal of the court on a form prepared by the election commissioners is issued to each judge and clerk, constituting the appointee an officer of the county court when the commission is accepted. (Hurd's Stat. 1919, ch. 46, pars. 178, 179, 180, 181, 182, 191.)

**Appointment under General Election Law.** In counties not under township organization, the selection of election judges is made as follows: If there are two or three different political parties represented on the county board of commissioners, the commissioner or commissioners representing the political party which cast the highest number of votes in the election precinct or district at the next preceding general election make the majority selection and the commissioner or commissioners representing the party which cast the next highest number of votes in the election precinct or district at such election make the minority selection. If all of the commissioners on the county board belong to the same party, the majority selec-

tion is made by the chairman of the county central committee of the majority party in such election precinct or district and the minority selection is made by the chairman of the county central committee of the minority party in the election precinct or district. In this way, no political party has the exclusive selection of judges of election, but each political party has either a minority or majority representation according to the nature and character of its vote in every election precinct or district.

In counties under township organization the selection of the majority and minority judges of election is made in the same way as in counties not under township organization, except that the vote in the township for Governor at the last preceding election and not the precinct is the basis for determining the number of judges to which a political party is entitled and the township supervisor must be one of the election judges in the election precinct or district of his residence. In case all of the members on the county board belong to the same political party, the minority selection is made by the chairman of the county central committee of the party which cast the next highest number of votes in the election precinct or district at the preceding regular election for Governor and the majority selection is made by the members on the board representing the highest number of votes cast at such election. In case a supervisor represents a political party which has neither the highest nor next highest number of votes for commissioner, such supervisor

selects from persons representing his party the majority of the election judges in each election precinct or district in his township and the commissioners on the board representing the political party which cast the next highest number of votes in such township select the minority judges of election. In case the commissioners are equally divided among the political parties represented on the county board, the selection of judges is made in the same manner as in the case of a majority and minority party or as in the case of three different parties represented on the county board.

Persons appointed as judges of election act as such judges at all general and special elections held within their respective precincts or districts. (Hurd's Stat. 1919, ch. 46, pars. 32, 33, 35.)

**Ballot box.** On the day preceding an election one of the judges calls at the office of the election commissioners and receives the ballot box of his precinct, with the key, containing all the required poll books, blanks and stationery.

Ballot boxes should be publicly inspected, completely emptied and locked by the judges and clerks of election and the key delivered to one of them before any ballots have been deposited. (Hurd's Stat. 1919, ch. 46, pars. 50, 223.)

**Ballots.** Ballots are in charge of the judges of election who furnish them to the voters. Only one ballot with the initials of the judge giving the ballot endorsed thereon in a manner to be seen when

folded is handed to each person who presents himself to vote and whose name is announced and checked on the register list.

Judges of election enforce the statutory provision against unlawful exhibition of ballot before voting, against interference with voter when inside enclosure, and against making false statements concerning a voter's inability to mark ballot. (Hurd's Stat. 1919, ch. 46, pars. 307, 309, 316.)

**Ballots and poll books, delivery.** The judges of election must keep the ballots and poll books in their possession until proper delivery can be made if for any reason they are unable to deliver them to the proper custodian after counting and declaring the result. *Eggers v. Fox* (1898), 177 Ill. 185, 193.

**Ballots and returns, custody.** The placing of ballots and the returns at a neighbor's house on election night until their delivery the next day to the county clerk is gross carelessness. *Choisser v. York* (1904), 211 Ill. 56, 61.

**Camp elections.** Upon opening the polls at a camp election, three judges of election are selected by viva voce vote from the qualified voters present and representing the leading political parties of the state. After selection, the judges choose one of their number as chairman and another as clerk, by drawing lots. The chairman then administers the oath of office to the other judges and one of the judges administers the oath to the chairman; which

oath is written or printed, or partly written or partly printed, attached to and entered upon the poll books, as follows:

I do solemnly swear (or affirm), that I will support the Constitution of the United States and the Constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of judge of election, according to the best of my ability. (Hurd's Stat. 1919, ch. 46, par. 575.)

**Cards of instructions, posting.** Five days prior to an election the judges of election are required to post five or more cards of instructions and specimen ballots at as many public places in the voting precinct or district; and on the day of election, these judges post one of such cards in each voting booth and four of such cards in and about the polling place. (Hurd's Stat. 1919, ch. 46, par. 306.)

**Challenge of absent voter.** Judges of election must notify an absent voter whose right to vote has been questioned and the challenge has been sustained. The notice is sent by mail to the voter's place of residence. (Hurd's Stat. 1919, ch. 46, par. 564.)

**Challengers, primaries.** The primary judges and peace officers must protect the challengers or watchers at a primary in the discharge of their duties. (Hurd's Stat. 1919, ch. 46, par. 472.)

**Checking vote.** Two judges or inspectors of election are designated at the opening of the polls to

check the name of every voter voting in the district and whose name appears on the register. (Hurd's Stat. 1919, ch. 46, par. 141.)

**City election.** The city council appoints the judges and clerks of election for city elections and the judges of election fill any vacancy occurring in clerk of election. (Hurd's Stat. 1919, ch. 24, par. 56, 57.)

**Commission.** Election commissioners prepare forms of commissions to be issued to judges and clerks of election. (Hurd's Stat. 1919, ch. 46, par. 182.)

**Compensation.** In all counties including cities under the jurisdiction of election commissioners, except cities having a population of 500,000 inhabitants or over, judges and clerks of election are allowed six dollars per day, and in cities having a population of 500,000 inhabitants or over they are allowed seven dollars per day for their services at an election and five dollars per day for each primary registration and revision.

This compensation applies to all general, as well as special, elections and to such elections as are held for a part or the entire city and for other officers than city officers.

Allowance under the General Election Law can be made for only one day's service in case of registration or ordinary elections; in presidential elections, two days' service is allowed.

Under the City Election Law, in case of an election when there is no additional registration or revision thereof, each judge or clerk of election is credited with one day's service.

In case of a registration between a general registration and an election, a judge of election is credited with three and a clerk with four days' service.

In case of a general registration and an election following, a judge of election is credited with four and a clerk with five days' service.

Their compensation is certified to by the county clerk and laid before the county board at its next session after receipt of the general or special election returns.

Primary judges and clerks receive the same pay as compensation and are paid by the same authorities and in the same manner as are judges and clerks of election at general elections. (Hurd's Stat. 1919, ch. 46, pars. 63, 75, 145, 283, 284, as amended.)

**County seat election.** The judges and clerks who served at the next preceding general election act as judges and clerks of election at which a proposition for the removal of a county seat is submitted. (Hurd's Stat. 1919, ch. 34, par. 92.)

**Drainage commissioners.** In elections for drainage commissioner in drainage districts organized under the Farm Drainage Act, the drainage commissioners act as judges and clerks of election in their respective districts and in their absence, the



electors present select judges and clerks for the election. (Hurd's Stat. 1919, ch. 42, pars. 89a, 129.)

**Election at polls.** The citizens present at a polling place have the right, under section 36 of the General Election Law, to elect another board of election when those appointed, for five hours from the time set for the opening of the polls, have failed to proceed with the election. *Foltz v. People* (1905), 118 Ill. App. 557, 565.

**High school district election.** The board of education in a high school district election appoints two judges and one clerk for each polling place, assigning at least one member of the board to a polling place if practicable. (Hurd's Stat. 1919, ch. 122, par. 91.)

**Jury service.** Judges of election under the City Election Law are exempt from jury service during their term of service and for two years thereafter. (Hurd's Stat. 1919, ch. 46, par. 179.)

**Notice of Appointment.** Within twenty days of receipt of notices of appointment of judges of election from the county clerk, the sheriff is required to personally notify each election judge of his appointment. (Hurd's Stat. 1919, ch. 46, par. 34.)

**Number of judges.** The law requires the appointment of three election judges in each election precinct or district; and as there are three thousand three hundred and seventy-nine election precincts

or districts down state, the number of election judges, excepting Chicago, is ten thousand one hundred and thirty-seven. (Hurd's Stat. 1919, ch. 46, pars. 32, 33, 471.)

**Park district.** Judges and clerks of election for a park district election are appointed by the president and board of trustees of the park district. (Hurd's Stat. 1919, ch. 105, par. 118.)

**Primaries.** The judges of general elections for State and county officers until their successors are appointed and qualified, the judges of election for city and village officers and for town and other municipal officers, act as judges at primary elections in their respective precincts.

The primary judges of election are officers of the county court of the county in which they serve. Primary judges and clerks perform the same duties and have the same powers as do judges and clerks of election at general elections. (Hurd's Stat. 1919, ch. 46, pars. 464, 465, 468, 470.)

**Qualification.** An applicant for judge of election must be able to read, write and speak the English language, must have resided for one year next preceding the election in the election district in which he is required to serve and must be of fair character and approved integrity.

Under the City Election Law, the qualifications for appointment as judge of election are: Ten

years' residence; householder and elector in the precinct at the next election; United States citizenship; of good repute and character; of good understanding; capable; able to speak, write and read the English language; skilled in the four fundamental rules of arithmetic; holding neither office nor employment under United States, state or municipal government; and not a candidate for any office at the next ensuing election. The qualifications for clerk of election are the same, except that he need not be a householder. (Hurd's Stat. 1919, ch. 46, pars. 31, 178.)

**Rejected absent voters' ballots.** Upon proof that an absent voter has died before the opening of the polls on election day, the judges of election return his ballot as rejected in the same manner as other like ballots are returned. (Hurd's Stat. 1919, ch. 46, par. 565.)

**Registers, return.** At the close of registration, revision or election, the registers are enclosed in an envelope, securely sealed with sealing wax or other adhesive material, and across every fold at which, if unfastened the envelope might be opened, the name of each judge and clerk of election is written, and on the back of the envelope is endorsed the number of the precinct and ward and the signature of the judge who delivers the register; which envelope together with the affidavits are delivered to the election commissioners with the seal unbroken and a receipt is taken therefor. (Hurd's Stat. 1919, ch. 46, pars. 220, 226.)

**Registers, calling for and opening.** The day preceding an election, registration or revision, the judge representing each leading political party calls at the office of the election commissioners and receives a register of his precinct enclosed in an envelope, which is not opened until the beginning of the session of registration, revision or election, and then only in the presence of all of the judges. (Hurd's Stat. 1919, ch. 46, pars. 223, 226.)

**Removal.** Election commissioners may remove a judge or clerk of election for misbehavior or neglect of duty; but no voluntary removal can be made within five days of an election except for flagrant misbehavior, incapacity or dishonesty, which must be afterwards reported in writing to the county court. (Hurd's Stat. 1919, ch. 46, par. 182.)

**Returns, statements, adoption of City Election Law.** In case no statements are provided or furnished for the return to be made upon a proposition submitting the adoption of the City Election Law, the judges and clerks of election may prepare and use a form of return substantially as follows:

At an election held in the.....precinct of the  
 .....ward in the city of.....in the state  
 of Illinois, on the.....day of.....  
 in the year A. D....., the following vote was cast  
 for and against City Election Law, to wit:

For City Election Law.....votes

Against City Election Law.....votes

Certified by us:

A. B.,	}	Judges of election.
C. D.,		
E. F.,		

Attest:

G. H.,	}	Clerks of election.
I. J.,		

One of the election returns in counties not under township organization are kept by the judge of election until the next general election. (Hurd's Stat. 1919, ch. 46, pars. 62, 156, 161.)

**Road district.** In counties not under township organization, the judges of election are for district elections, the commissioner of highways and two other persons designated by the county board; and in case of vacancy, the same is filled by the commissioner or, if absent, by the electors present. (Hurd's Stat. 1919, ch. 121, par. 45.)

**School directors election.** In an election for school director, the two directors who ordered the election act as judges and one director as clerk, or the legal voters present choose as many judges as may be necessary if the directors fail to attend or refuse to act. (Hurd's Stat. 1919, ch. 122, par. 108.)

**School election.** In an election in a school district of not less than 1,000 nor more than 100,000 inhabitants and not governed by special act, the board of education appoints two judges and one clerk for each polling place and if practicable as-

signs at least one member of the board to a polling place. (Hurd's Stat. 1919, ch. 122, par. 126.)

The board of education and not the election commissioners appoint the judges and clerks of election in a school district existing by virtue of a special charter and wholly or partially lying within a city, village or incorporated town of over 35,000 inhabitants that has adopted the City Election Law. (Hurd's Stat. 1919, ch. 122, par. 354a.)

**School trustees election.** In an election for school trustees, the trustees of schools act as judges and choose a clerk; or the qualified voters present may choose from themselves the judges if the trustees or any of them fail to attend or refuse to act when present. At least one of the trustees must be assigned to each polling place in a township in which there are more than two polling places. (Hurd's Stat. 1919, ch. 122, pars. 27, 28.)

**Specimen ballots, posting.** In five or more public places in the voting precinct or district where cards of instructions are posted there is also posted at the same time a specimen ballot. (Hurd's Stat. 1919, ch. 46, par. 306.)

**Special elections.** Judges of elections are required to act at all general and special elections held in their respective precincts or district. (Hurd's Stat. 1919, ch. 46, par. 35.)

**Term of office.** Judges of election under the General Election Law are appointed for one year and hold office until their successors are duly appointed.

Election judges and clerks under the City Election Law are appointed for one year; and after the expiration of the term they cannot be forced to serve for three years. This does not prevent reappointment from year to year if there be a voluntary acceptance. (Hurd's Stat. 1919, ch. 46, pars. 32, 33, 35, 179.)

A county judge has no power to change the statutory term of office of a judge of election. (1919-20 Atty. Gen. Rep. 206.)

**Vacancy.** A vacancy occurring at any time before election in the office of judge of election is filled in the same manner as in case of original appointment; a vacancy occurring at the time of opening the polls is filled by the judge or judges of election present, or by the electors of the election precinct or district from their number, if there be no judge or judges present at such time.

Vacancies in the office of judge or clerk of election under the City Election Law are filled in the same way as in the case of original selection and appointment, unless the vacancy occurs less than five days before election; in which case, the election commissioners make the appointment and issue a commission without confirmation. (Hurd's Stat. 1919, ch. 46, par. 182.)

A vacancy in judge of election can be filled only for the unexpired term. (1919-20 Atty. Gen. Rep. 206.)

The names of substituted nominees are pasted written or stamped on the ballot by the judges of election when the names are furnished by the officer with whom certificates of nomination to supply a vacancy have been filed. (Hurd's Stat. 1919, ch. 46, pars. 32, 36, 299.)

Vacancy, see Election contests, irregularities.

### JUDICIAL CIRCUITS,

Each of the seventeen judicial circuits of the state is composed of the following counties:

**First.** Alexander, Jackson, Johnson, Massac, Pope, Pulaski, Saline, Union and Williamson.

**Second.** Crawford, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jefferson, Lawrence, Richland, Wabash, Wayne and White.

**Third.** Bond, Madison, Monroe, Perry, Randolph, St. Clair and Washington.

**Fourth.** Christian, Clay, Clinton, Effingham, Fayette, Jasper, Marion, Montgomery and Shelby.

**Fifth.** Clark, Coles, Cumberland, Edgar and Vermilion.

**Sixth.** Champaign, DeWitt, Douglas, Macon, Moultrie and Piatt.

**Seventh.** Greene, Jersey, Macoupin, Morgan, Sangamon and Scott.

**Eighth.** Adams, Brown, Calhoun, Cass, Mason, Menard, Pike and Schuyler.



**Ninth.** McDonough, Fulton, Hancock, Henderson, Knox and Warren.

**Tenth.** Marshall, Peoria, Putnam, Stark and Tazewell.

**Eleventh.** Ford, Livingston, Logan, McLean and Woodford.

**Twelfth.** Iroquois, Kankakee and Will.

**Thirteenth.** Bureau, Grundy and LaSalle.

**Fourteenth.** Henry, Mercer, Rock Island and Whiteside.

**Fifteenth.** Carroll, JoDaviess, Lee, Ogle and Stephenson.

**Sixteenth.** DeKalb, DuPage, Kane and Kendall.

**Seventeenth.** Boone, Lake, McHenry and Winnebago. (Hurd's Stat. 1919, ch. 37, par. 73.)

## JUDICIAL CONVENTION,

A judicial convention consists of one delegate for every four hundred votes, or major fraction thereof, cast in each county for Governor by its political party at the last preceding election. (Hurd's Stat. 1919, ch. 46, par. 549, as amended in 1919.)

**Call, requirements.** Seventy-five days previous to a judicial election, each political party's chairman of the county central committees of the constituent counties, or a majority thereof, file with

the secretary of state a call for a convention to nominate judicial candidates, stating, among other things, the time, which must be not more than sixty nor less than thirty-one days before election, and designating the building and hall as the place for holding the convention. (Hurd's Stat. 1919, ch. 46, par. 551.)

**Certificate of nomination.** It is the duty of the presiding officer to duly certify to the secretary of state all nominations made at the convention. (Hurd's Stat. 1919, ch. 46, par. 552.)

**Nomination.** In circuits comprising more than one county, candidates for circuit court are nominated by the judicial district convention of each political party. (Hurd's Stat. 1919, ch. 46, par. 549, as amended in 1919.)

**Place of holding.** In a circuit embracing one county, a judicial convention is held at the county seat; in circuits comprising more than one county, the place of meeting is at the county seat of the county having the largest population or as designated by a majority of the delegates. (Hurd's Stat. 1919, ch. 46, par. 550.)

**Voting.** In judicial circuits composed of more than one county, a delegate has one vote for every four hundred votes or major fraction thereof of his party cast for Governor in his precinct or political division at the last general election. (1919-20 Atty. Gen. Rep. 981.)

In circuits composed of one county, a delegate has one vote and one additional for each fifty votes or major fraction thereof of his party cast in his precinct for Governor at the last general election. (Hurd's Stat. 1919, ch. 46, par. 549, as amended.)

JUDICIAL DISTRICT CONVENTION, see JUDICIAL CONVENTION.

### JUDICIAL OFFICES,

**Nomination.** Candidates for judicial office are nominated in convention under the Ballot Law and not under the Primary Election Law of 1910. *People v. Sweitzer* (1915), 266 Ill. 459, 481.

### JUSTICE OF THE PEACE,

**Election.** In counties under township organization, except in the city of Chicago, justices of the peace will be elected in each town on the first Tuesday in April, 1921, and quadrennially thereafter.

In counties not under township organization, justices of the peace will be elected on Tuesday next after the first Monday in November, 1921, and quadrennially thereafter. (Hurd's Stat. 1919, ch. 79, par. 1; ch. 139, par. 65.)

**Number.** There are in this state approximately 2,100 justices of the peace, each township or precinct in towns not under township organization, except Chicago, being entitled to two justices of the peace and one additional justice of the peace for

every 1,000 inhabitants exceeding 2,000 population, but to no more than five justices in one town or precinct.

**Term of office.** In counties under township organization, justices of the peace are elected for a four year term, commencing with the first Monday in May after their election; in counties not under township organization, justices of the peace are elected for a like term, commencing with the first Monday in December after their election. (Hurd's Stat. 1919, ch. 79, par. 1.)

**Vacancy.** A vacancy in the office of justice of the peace when the unexpired term is less than a year, is filled by appointment by the county board; if the unexpired term exceeds a year, the town clerk in counties under township organization, and the county clerk in counties not under township organization orders an election to fill such vacancy.

Failure within twenty days after election or appointment to take oath and give bond creates a vacancy in the office of justice of the peace. (Hurd's Stat. 1919, ch. 46, par. 133; ch. 79, pars. 7, 10.)

#### KASKASKIA COMMONS TRUSTEES,

**Election.** The first Monday in April, 1921, and every two years thereafter there will be elected five trustees for the Commons of Kaskaskia. In the election of these trustees every legal voter residing upon the entire island of Kaskaskia, in and outside the village, is entitled to vote. Stead v.

Commons of Kaskaskia (1910), 243 Ill. 239, 252, 255, 260.

**Eligibility.** Candidates for trustees of Kaskaskia Commons must be citizens of Illinois, twenty-one years of age or over, residents in Kaskaskia for one year and freeholders in the town or parish. *Stead v. Commons of Kaskaskia* (1910), 243 Ill. 239, 258.

LABOR DIRECTOR AND ASSISTANT,

LIBRARIAN SUPREME COURT,

The Supreme Court judges appoint the librarian for Supreme Court Library for a term of six years. (Hurd's Stat. 1919, ch. 37, par. 17.)

Appointment and term of office, see Governor, civil administrative officers.

LIEUTENANT GOVERNOR,

**Election.** At the fall election of 1924 and quadrennially thereafter, there will be elected in Illinois a Lieutenant Governor. (Hurd's Stat. 1919, ch. 46, par. 7.)

**Nominating petition, signatures, filing.** A nominating petition for the office of Lieutenant Governor must have not less than one nor more than two thousand of his party's primary electors' signatures and filed in the office of the secretary of state not more than sixty nor less than forty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for Lieutenant Governor are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Qualification.** A candidate for Lieutenant Governor must have reached the age of thirty years, be a resident of the United States and the state of Illinois for five years next preceding his election, and when elected is ineligible during his term for any other office. (Const. 1870, art. 5, § 5.)

**Vacancy.** No provision at present exists for the filling of a vacancy in the office of Lieutenant Governor, when there is at the same time no vacancy in the office of Governor. For the filling of vacancies in both office of Governor and Lieutenant Governor, see Vacancies, Governor and Lieutenant Governor.

## LOCAL IMPROVEMENTS BOARD,

Appointment, see Members.

**Members.** In cities, villages and incorporated towns of less than 50,000 population, the board of local improvements consists of the mayor or the president of the village or town, the public engineer and the superintendent of streets.

In cities of more than 50,000 and less than 100,000 population, the board of local improvements consists of the superintendent of streets, the superintendent of sewers, the superintendent of special assessments, the city engineer and the commissioner of public works.

In cities having 100,000 population or more, the board of local improvements consists of the superintendent of special assessments and five members nominated by the mayor and confirmed by the council or board of trustees. *Hurd's Stat. 1919, ch. 24, par. 512.*

**Qualification.** In cities of 100,000 population or more the appointive members of the board of local improvements cannot be the head of any department of the government or municipality nor hold any other office or position in it. *Hurd's Stat. 1919, ch. 24, par. 512.*

#### LODGING HOUSE INSPECTION SUPERINTENDENT,

Appointment and term of office see Governor, civil administrative officers.

LODGING HOUSE, see VOTERS.

#### MARSHAL SUPREME COURT.

The judges of the Supreme Court appoint or re-appoint every six years the marshal for the court. (*Hurd's Stat. 1919, ch. 37, par. 11.*)

#### MASTER IN CHANCERY,

**Appointment.** In Cook County, the Circuit and Superior Courts may appoint as many masters in chancery as there are judges. Outside of Cook County, each circuit court may appoint a master in

chancery for their respective counties. (Hurd's Stat. 1919, ch. 90, par. 1.)

City courts have the same power to appoint masters in chancery as circuit or superior courts. (Hurd's Stat. 1919, ch. 37, par. 248.)

**Term of office.** Masters in chancery are appointed for a term of two years, or for an unexpired term. They can not be appointed for a longer term than two years. (Hurd's Stat. 1919, ch. 37, par. 248; ch. 90, par. 2.) *People v. Beach* (1875), 77 Ill. 52, 54.

**Vacancy.** A vacancy in the office of master in chancery is filled as soon as practicable. (Hurd's Stat. 1919, ch. 90, par. 3; ch. 37, par. 248.)

## MAYOR,

**Canvassing board.** The mayor is a member of the board that hears and passes upon objections to nominations for city offices. (Hurd's Stat. 1919, ch. 46, par. 297.)

**Election.** The next election for mayor will be held in 1923 and biennially thereafter, except in the city of Chicago, where a mayor is elected every four years. (Hurd's Stat. 1919, ch. 24, pars. 49, 193af.)

**Intoxicating liquors, sale.** It is the duty of a mayor to see that no intoxicating liquors are sold or given away and that no saloon or barroom is open during the holding of a primary. (Hurd's Stat. 1919, ch. 46, par. 515.)



**Nominating petition, signatures, filing.** Half of one per cent of a candidate's party's qualified electors' signatures in the city is necessary to a nominating petition for the office of mayor; which petition is filed with the city clerk between twenty and thirty days previous to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for mayor are nominated at a primary. (Hurd's Stat. 1919, ch. 46, par. 452.)

**Qualification.** A candidate for mayor must be a citizen of the United States, a resident within the city limits, and a qualified elector. (Hurd's Stat. 1919, ch. 24, par. 14.)

**Vacancy, filling.** The office of mayor becomes vacant upon his removal from the city and if the unexpired term is less than one year, the city council may elect one of their number to act as mayor until the next annual election and a successor has been elected and qualified; but if the unexpired term is one year or over, the vacancy is filled by an election. (Hurd's Stat. 1919, ch. 24, pars. 15, 16, 18.)

#### MAYOR AND COMMISSIONERS,

**Campaign expenses, statement, filing and publication.** Within thirty days of qualifying a person elected to office under the commission form of government is required to make and file with the city or village clerk, or the clerk of the election com-

missioners, a sworn statement of his election and primary campaign expenses and by whom the funds were contributed, and publish the statement at least once in the city or village or county daily or weekly newspaper of general circulation. (Hurd's Stat. 1919, ch. 24, par. 193 b 39.)

Contest, see Election contest.

**Election.** In cities that have adopted the commission form of government, a mayor and four commissioners are elected at the first biennial general election after the adoption. (Hurd's Stat. 1919, ch. 24, par. 193 b 9.)

**Nominating petition, form.**

(Caption)

We, the undersigned, duly qualified electors of the city (or village) of (city or village)....., and residing at the places set opposite our respective names hereto, do hereby petition that the name of (name of candidate)..... be placed upon the ballot as candidate for nomination for the office of (here name office)..... at the primary election to be held in such city or village on the.....Tuesday of.....A. D. 19..... We further state that we know him to be a qualified elector of said city or village and legally qualified to hold such office.

Names of Qualified Electors	Number	Streets

State of Illinois }  
 County of..... } ss.

I, ....., do hereby certify and make oath (or affirm) that I am upwards of the age of twenty-one years, that I reside at number (give number and street, if any)..... street, in the city (or village) of..... of the county of..... and State of Illinois; that the signatures on this sheet were signed in my presence, and are genuine, and that to the best of my knowledge and belief the persons so signing were, at the time of signing said petitions, qualified electors, and that their respective residences are correctly stated as above set forth.

(Signed) .....

Subscribed and sworn to (or affirmed) before me this..... day of....., A. D. 19.....

.....  
 Official Character.

(Seal, if officer has one.)

(Hurd's Stat. 1919, ch. 24, par. 193 b 14.)

**Nominating petition, requirements, filing.** A petition seeking nomination for mayor or commissioner under the commission form of government consists of sheets of uniform size, each sheet headed the same and signed by at least twenty-five qualified electors, giving their residence and also the number of the residence if a resident of a city or village having a population of over 10,000 by the last preceding federal or state census. At the bot-

tom of each sheet is a sworn statement as to the genuineness of the signatures thereon. The sheets are numbered consecutively, securely and neatly fastened together in book form. The petition, together with the statement of candidacy, are filed not less than fifteen nor more than thirty days prior to the primary with the city or village clerk or with the board of election commissioners in a city or village having such board. (Hurd's Stat. 1919, ch. 24, par. 193 b 14.)

In case of recall and removal from office, the petition and statement of a candidate may be filed not less than seven days preceding the special primary.

The person sought to be recalled is by statute a candidate for the office without nomination. (Hurd's Stat. 1919, ch. 24, pars. 193 b 42 h, 193 b 44.)

**Nominating petition, withdrawal of signature.** Signatures to a nominating petition for mayor or commissioner can only be withdrawn before the petition is required to be filed and then only by filing a written revocation with the proper clerk or board of election commissioners. (Hurd's Stat. 1919, ch. 24, par. 193 b 14.)

**Nomination.** A primary for the nomination of mayor and four commissioners is held on the last Tuesday in February in all cities and villages in which a general municipal election is held on the first Tuesday in April, and on the second Tuesday in March in all cities or villages in which the mu-

municipal election is held on the third Tuesday in April. (Hurd's Stat. 1919, ch. 24, par. 193 b 12.)

The two persons receiving the highest number of votes for mayor and the eight candidates receiving the highest number of votes for commissioners are the nominees for mayor and commissioners, respectively. (Hurd's Stat. 1919, ch. 24, par. 193 b 16.)

A tie is decided by lot, upon five days' written notice to the candidates affected, stating the place, the day and the hour when the nomination will be determined. (Hurd's Stat. 1919, ch. 24, par. 193 b 17.)

Upon the determination of a recall and the ordering of an election, a special primary is held two weeks preceding the election, at which only one candidate for each officer sought to be recalled is nominated. (Hurd's Stat. 1919, ch. 24, par. 193 b 42h.)

**Qualification.** A candidate for mayor or commissioner must be an elector of the city or village, especially fitted for the office and for the good of the public service without reference to his political or religious faith or party affiliation, and must not have been recalled, removed or resigned from an elective office within one year while recall or removal proceedings were pending. (Hurd's Stat. 1919, ch. 24, pars. 193 b 14, 193 b 38, 193 b 46.)

**Recall, hearing, jurisdiction.** A petition for recall or removal and objections thereto, if any, filed under the commission form of government are heard in

a summary manner by the county or circuit court not less than five nor more than ten days after the petition and objections have been presented and on five days' notice thereof given by publication or by posting written or printed notices in five of the most public places, including a notice at the city or village hall, if any there be.

The court or judge determines the sufficiency of the petition and enters a decree; whereupon the clerk of the court transmits a certified copy of the decree and the petition to the clerk with whom it was originally filed; and the latter immediately submits them to the council.

No appeal or writ of error from the decree is permitted. (Hurd's Stat. 1919, ch. 24, par. 193.b 42.)

**Recall petition, certified copy, cost.** A certified copy of a petition for recall or removal from office under the commission form of government is made by the clerk at the rate of one dollar for each one hundred names. (Hurd's Stat. 1919, ch. 24, par. 193 b 42.)

**Recall petition, form.**

(Caption)

To the clerk of (the city or village) of.....  
or (the board of election commissioners of the city  
or village of.....).

We, the undersigned electors of the city (or vil-  
lage) of (name of city or village) entitled to vote  
for a successor to (name of person), an incumbent  
of the office of (name of office), in said city (or vil-

nicipal election is held on the third Tuesday in April. (Hurd's Stat. 1919, ch. 24, par. 193 b 12.)

The two persons receiving the highest number of votes for mayor and the eight candidates receiving the highest number of votes for commissioners are the nominees for mayor and commissioners, respectively. (Hurd's Stat. 1919, ch. 24, par. 193 b 16.)

A tie is decided by lot, upon five days' written notice to the candidates affected, stating the place, the day and the hour when the nomination will be determined. (Hurd's Stat. 1919, ch. 24, par. 193 b 17.)

Upon the determination of a recall and the ordering of an election, a special primary is held two weeks preceding the election, at which only one candidate for each officer sought to be recalled is nominated. (Hurd's Stat. 1919, ch. 24, par. 193 b-42h.)

**Qualification.** A candidate for mayor or commissioner must be an elector of the city or village, especially fitted for the office and for the good of the public service without reference to his political or religious faith or party affiliation, and must not have been recalled, removed or resigned from an elective office within one year while recall or removal proceedings were pending. (Hurd's Stat. 1919, ch. 24, pars. 193 b 14, 193 b 38, 193 b 46.)

**Recall, hearing, jurisdiction.** A petition for recall or removal and objections thereto, if any, filed under the commission form of government are heard in

a summary manner by the county or circuit court not less than five nor more than ten days after the petition and objections have been presented and on five days' notice thereof given by publication or by posting written or printed notices in five of the most public places, including a notice at the city or village hall, if any there be.

The court or judge determines the sufficiency of the petition and enters a decree; whereupon the clerk of the court transmits a certified copy of the decree and the petition to the clerk with whom it was originally filed; and the latter immediately submits them to the council.

No appeal or writ of error from the decree is permitted. (Hurd's Stat. 1919, ch. 24, par. 193 b 42.)

**Recall petition, certified copy, cost.** A certified copy of a petition for recall or removal from office under the commission form of government is made by the clerk at the rate of one dollar for each one hundred names. (Hurd's Stat. 1919, ch. 24, par. 193 b 42.)

**Recall petition, form.**

(Caption)

To the clerk of (the city or village) of.....  
or (the board of election commissioners of the city or village of.....).

We, the undersigned electors of the city (or village) of (name of city or village) entitled to vote for a successor to (name of person), an incumbent of the office of (name of office), in said city (or vil-



lage) do hereby demand an election of a successor to said (name of person) for the following reasons, to-wit: (Here state reasons in not more than two hundred words):

Name	House Number (if any)	Street	Date of Signing

State of Illinois, }  
 County of..... } ss.

I,....., do hereby certify and make oath (or affirm) that I am upwards of the age of twenty-one years, that I reside at number..... street, in the city (or village) of ..... of the county..... and State of Illinois, that the signatures on this sheet were signed in my presence, on the dates set opposite their respective names, and that the same are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of signing qualified electors, entitled to vote for a successor of (here insert the name of person holding office and also the title of the office)..... and that their respective residences are correctly stated as above set forth, and that such persons were at the time of signing said sheet duly registered.

.....

Subscribed and sworn (or affirmed) to before me  
 this.....day of.....A. D. 19.....

.....  
 (Official Character.)

(Seal, if officer has one.)

(Hurd's Stat. 1919, ch. 24, par. 193 b 42.)

**Recall petition, requirements, filing.** Except in case of judicial office or court officers, a person elected to an office under the commission form of government is subject to recall or removal after twelve months' service by filing with the city or village clerk, or the clerk of the election commissioners, a petition demanding the election of a successor, containing general grounds for the removal or recall of not more than two hundred words and signed by at least fifty-five per cent of the entire vote for all candidates for office for mayor at the last preceding general municipal election; at the bottom of each sheet of which petition is added a sworn statement of a resident of the village or city as to the genuineness of the signatures to the petition, the correctness of the signers' addresses, and the date of signing. All of the sheets are fastened at the upper edges in one document.

Within five days after the petition or objections thereto have been filed, the clerk files the petition and objections in the office of the clerk of the county or circuit court of the county in which the city or village or a greater portion thereof is situated. (Hurd's Stat. 1919, ch. 24, pars. 193 b 42, 193 b 45.)

**Recall petition, withdrawing signature.** A signature to a petition for recall or removal from office under the commission form of government can only be withdrawn in writing by a revocation filed with the proper clerk before the petition has been filed. (Hurd's Stat. 1919, ch. 24, par. 193 b 42.)

**Recall, objections, filing.** Objections to a petition for recall or removal from office under the commission form of government are filed with the proper clerk within five days after the filing of the petition. (Hurd's Stat. 1919, ch. 24, par. 193 b 42.)

**Special election in case of recall.** Upon the submission of a petition for recall with a certified copy of the decree finding the petition sufficient, the city council orders a special election at a day not less than forty nor more than fifty days thereafter.

No election is called when the officer sought to be recalled has resigned within five days of the filing of the petition for recall, but if the resignation is made after the five days the recall election proceeds. (Hurd's Stat. 1919, ch. 24, pars. 193 b 42 g, 193 b 43.)

**Statement of candidacy, form.**

State of Illinois, }  
County of..... } ss.

I, ....., being first duly sworn, say that I reside at (here give number and street) ..... street, in the city (or village) of (here name of city or village).....

county of (here name county)....., State of Illinois; that I am a qualified voter therein; that I am a candidate for nomination to the office of (mayor or commissioner), to be voted upon at the primary election to be held on the.....Tuesday of.....A. D. 19.....; that I am legally qualified to hold such office; and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed).....

Subscribed and sworn to (or affirmed) before me by..... on this.....day of....., A. D. 19.....

(Signed).....

(Official Character.)

(Seal, if officer has one.)

(Hurd's Stat. 1919, ch. 24, par. 193 b 14.)

**Term of office.** The mayor and commissioners are elected for a four year term and until their successors are elected and qualified. (Hurd's Stat. 1919, ch. 24, pars. 193 b 10, 193 b 11.)

The successor of an officer who has been recalled or who has resigned as a consequence of recall proceedings, holds office during the unexpired term of his predecessor. (Hurd's Stat. 1919, ch. 24, par. 193 b 44.)

**Vacancy.** A vacancy in the nomination for mayor or commissioner caused by death or withdrawal before the general municipal election, is

filled, if in the office of mayor by placing on the primary ballot the name of the candidate receiving the third highest number of votes and if in the office of commissioner by placing on such ballot the name of the candidate receiving the ninth highest number of votes at the primary, and so on. (Hurd's Stat. 1919, ch. 24, par. 193 b 18.)

A vacancy in the office of mayor or commissioner is filled within thirty days after the vacancy occurs by appointment of a person by the remaining members of the council for the balance of the unexpired term. (Hurd's Stat. 1919, ch. 24, par. 193 b 11.)

In case of the filing of a petition for recall or removal and the resignation of the officer sought to be recalled within five days of the filing of the petition, the council appoints a successor the same as in other cases of vacancy.

A vacancy is also created and is filled when the candidate elected fails to qualify within ten days after receiving notice of election. (Hurd's Stat. 1919, ch. 24, pars. 193 b 43, 193 b 44.)

A conviction for bribery of a person who has been elected to an office under the commission form of government amounts to a resignation of the office and creates a vacancy therein. (Hurd's Stat. 1919, ch. 24, par. 193 b 38.)

#### MINERS' EXAMINING BOARD,

Appointment and term of office, see Governor, civil administrative officers.

**Membership.** The miners' examining board consists of four officers. (Hurd's Stat. 1919, ch. 24½, par. 5.)

**Qualification.** Only those who hold no lucrative public office, federal, state or municipal, have had at least five years' practical and continuous experience as a coal miner and have been actually engaged as a coal miner in this state continuously for the last twelve months, are eligible for appointment as miners' examining officers. (Hurd's Stat. 1919, ch. 24½, par. 7.)

#### MINES AND MINERALS DIRECTOR AND ASSISTANT,

Appointment and term of office, see Governor, civil administrative officers.

**Qualification.** Only those who are thoroughly conversant with the theory and practice of coal mining and who are not identified with either coal operators or coal miners are eligible to appointment as director of the department of mines and minerals. (Hurd's Stat. 1919, ch. 24½, par. 7.)

#### MINING BOARD,

Appointment and term of office, see Governor, civil administrative officers.

**Membership.** The director of the department of mines and minerals and four mine officers comprise the mining board. (Hurd's Stat. 1919, ch. 24½, par. 5.)

**Qualification.** Of the four mine officers, two must be coal operators and two practical coal miners. (Hurd's Stat. 1919, ch. 24½, par. 7.)

#### MUNICIPAL COLISEUM BOARD,

**Appointment.** Annually before the first of July, the mayor or president of the board of trustees, with the approval and consent of the city council or board of trustees, in cities and villages of less than 500,000 inhabitants that have voted for the levy of a tax for a municipal coliseum, appoints one person as director on a board consisting of three directors. (Hurd's Stat. 1919, ch. 24, pars. 759, 762.)

**Qualification.** A person who is appointed director of a municipal coliseum must be a citizen of the city or village, must be chosen with reference to his special fitness for the office and must not hold any other office with such municipality. (Hurd's Stat. 1919, ch. 24, par. 762.)

**Term of office.** Directors of a municipal coliseum are appointed for a term of three years and until their successors are appointed. (Hurd's Stat. 1919, ch. 24, par. 762.)

**Vacancy.** Vacancies on the municipal coliseum board are filled in like manner as original appointments. (Hurd's Stat. 1919, ch. 24, par. 762.)

#### MUNICIPAL COURT BAILIFF,

**Nominating petition, signatures, filing.** The sig-

natures of half of one per cent of a candidate's party's qualified electors in the city are necessary to a nominating petition for the office of bailiff of the municipal court of the city of Chicago; which petition is filed with the city clerk between twenty and thirty days previous to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for bailiff of the municipal court of Chicago are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Election.** On the first Tuesday after the first Monday of November in 1924 and every six years thereafter, there will be elected a bailiff of the municipal court of Chicago. (Hurd's Stat. 1919, ch. 37, par. 279.)

**Term of office.** The term of office of bailiff of the municipal court of Chicago is six years and until a successor is elected and qualified. (Hurd's Stat. 1919, ch. 37, par. 279.)

**Vacancy.** In case of vacancy in the office of bailiff of the municipal court of Chicago, whether the unexpired term is less or exceeds one year, the judges appoint a bailiff pro tempore, who holds office until some person is elected and qualified.

The existence of a vacancy in the office of bailiff is by the chief justice brought to the attention of the Governor, who issues a writ of election as soon as practicable. (Hurd's Stat. 1919, ch. 37, par. 279.)



## MUNICIPAL COURT CLERK,

**Election.** A clerk of the municipal court of Chicago will be elected on the first Tuesday after the first Monday of November, 1924, and every six years thereafter. (Hurd's Stat. 1919, ch. 37, par. 277.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's qualified electors in the city are necessary to a nominating petition for the office of clerk of the municipal court of the city of Chicago; which petition is filed with the city clerk between twenty and thirty days previous to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for clerk of the municipal court of Chicago are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Term of office.** A person elected clerk of the municipal court of Chicago holds office for a term of six years and until a successor is elected and qualified. (Hurd's Stat. 1919, ch. 37, par. 277.)

Vacancy, see Vacancies, clerks of courts.

## MUNICIPAL COURT JUDGES,

**Election.** Municipal court judges are elected on the first Tuesday after the first Monday of November, as follows:

In 1922 and every six years thereafter there will be elected nine associate judges.

In 1924 and every six years thereafter there will be elected a chief justice, nine associate judges, a clerk and a bailiff.

In 1926 and every six years thereafter there will be elected nine associate judges. (Hurd's Stat. 1919, ch. 37, pars. 272, 277, 279.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's qualified electors in the city are necessary to a nominating petition for the office of chief justice or associate judges of the municipal court of the city of Chicago; which petition is filed with the city clerk between twenty and thirty days previous to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for municipal court judge are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Number of judges.** The municipal court of Chicago consists of twenty-seven associate judges and a chief justice. (Hurd's Stat. 1919, ch. 37, par. 271.)

**Qualification.** A candidate for chief justice of the municipal court of Chicago must not be under thirty years of age, must be a resident of the city and county, and must for five years next preceding his election have been either entirely in the active practice as an attorney and counselor at law or in the discharge of judicial duties, or must have partly

acted as such practitioner and the remainder as judge. (Hurd's Stat. 1919, ch. 37, par. 273.)

**Term of office.** A person elected associate or chief justice of the municipal court of Chicago holds office for a term of six years, commencing on the first Monday of December following the election and until a successor is elected and qualified. (Hurd's Stat. 1919, ch. 37, par. 272.)

The office of judge of the municipal court of Chicago being statutory, the Legislature has unlimited discretion in fixing the length of the term of such judge. *People v. Olson* (1910), 245 Ill. 288.

**Vacancy.** A vacancy occurring in the office of chief justice or associate judge of the municipal court of Chicago, if the unexpired term does not exceed a year, is filled by appointment by the Governor; if the unexpired term exceeds one year, the vacancy is filled at a regular municipal, judicial or other general election.

In case of vacancy in the office of chief justice, his absence from Chicago or his incapacity, the associate judges elect from their number a chief justice to act until the incapacity ceases or the vacancy is filled by election or appointment. (Hurd's Stat. 1919, ch. 37, par. 272.)

#### MUNICIPAL EMPLOYEES' PENSION BOARD,

**Appointment.** In cities of more than 100,000 inhabitants, that have created a municipal em-

ployees' pension fund, the contributors to the fund annually, not later than the thirtieth of October, elect from their number two members, who, with two members similarly elected the year before, the mayor and comptroller, constitute the board of trustees of such fund. (Hurd's Stat. 1919, ch. 24, pars. 661, 664, 665.)

**Qualification.** An elected member who ceases to be an employee of the city loses his membership in the board. (Hurd's Stat. 1919, ch. 24, par. 666.)

**Term of office.** The elected members of the board of trustees of the municipal employees' pension fund hold office for a term of two years. (Hurd's Stat. 1919, ch. 24, par. 665.)

#### NATIONAL NOMINATING CONVENTION,

**Delegates and alternate delegates, election.** Delegates and alternate delegates from each congressional district to the national nominating convention will be elected at the presidential primary in 1924 and every four years thereafter. (Hurd's Stat. 1919, ch. 46, par. 457.)

In Illinois a woman may be a delegate to a national nominating convention. (1919-20 Atty. Gen. Rep. 596.)

**Delegates, nominating petition, signatures, filing.** Half of one per cent of a candidate's party's qualified electors' signatures in the congressional district is necessary to a nominating petition for delegate or

alternate delegate to the national nominating convention, which petition is filed with the secretary of state between forty and sixty days previous to the day of the primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 479, 481.)

#### NATURAL RESOURCES AND CONSERVATION ADVISORS,

The board of natural resources and conservation advisors consists of seven persons. (Hurd's Stat. 1919, ch. 24½, par. 6.)

Appointment and term of office, see Governor, civil administrative officers.

**Qualification.** Each of the five appointive members must be an expert in biology, geology, engineering, chemistry and forestry and qualified by ten years' experience in practicing or teaching his profession. (Hurd's Stat. 1919, ch. 24½, par. 7.)

#### NOMINATIONS,

**Candidates, eligibility.** A candidate's status is determined as of the date he files his petition for nomination. *People v. Sweitzer* (1914), 266 Ill. 89, 93.

**Certificate, filing.** An administrative officer has authority and it is his duty to determine the genuineness of a certificate, report or other paper he by statute is required to file. *People v. Righeimer* (1921), 298 Ill. 611, 619.

Certification of nomination, filing, omission of, see Vacancies, county offices.

**Certificate of nomination, objections.** In case objections are filed to a certificate of nomination or nomination papers, the decision of the authorities before whom the objections are heard is final. *Dilcher v. Schorik* (1904), 207 Ill. 528; sec. 10, Ballot Law.

**Certificate of nomination, objections, waiver.** Failure to object to the certificate of nomination of an opponent waives the objection. *Welsh v. Shumway* (1908), 232 Ill. 54, 59.

**Certificate of nomination, requirements.** The statement that the nominating political party is a political party within the meaning of the statute or that such party had polled the proper percentage of votes at the preceding general election is unnecessary in a certificate of nomination. *Schuler v. Hogan* (1897), 168 Ill. 369, 377.

**Certificate of nomination, validity, presumption.** The county clerk may lawfully assume that a certificate of nomination for county offices which is in apparent conformity with the statute and to which no written objections have been filed evidences a valid nomination. *Schuler v. Hogan* (1897), 168 Ill. 369, 375.

**Certifying nominations.** Fifteen days before election, the secretary of state certifies to the county

clerks the name and description of each candidate for office whose certificate of nomination has been filed, giving such details as are mentioned therein in certifying a nomination to fill a vacancy.

Upon receipt of this information, the county clerk certifies to the proper authorities the names of those nominees whose ballots they are required to print.

The names of candidates are certified according to the number of votes received by the candidate at the primary, certifying first the candidate who received the highest number of votes, certifying second the candidate who received the next highest number, etc. The names of candidates in a group of petitioners are certified in the order in which they appear upon the petitions. (Hurd's Stat. 1919, ch. 46, pars. 298, 300.)

**Circuit and superior court judges, law applicable.** The Act of 1917 and not the Ballot law controls the nomination of circuit and superior court judges. *People v. Righeimer* (1921), 298 Ill. 611, 616.

**Contest, member General Assembly, jurisdiction.** The board of election commissioners has exclusive jurisdiction in a contested nomination of a member of the General Assembly for a district situated wholly within a city having election commissioners. *People v. Baird* (1897), 164 Ill. 533, 536.

**County office, signers, filing.** A nominating petition for a county office requires at least one-half —

of one per cent of signers who are qualified electors of the candidate's party, or in case of Cook county the same per cent of signers in the candidate's district or division; which petition is filed in the office of the county clerk not more than sixty nor less than forty days before date of primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Filing fees, validity.** The requirement of graduated fees for filing nomination papers, which fees bear no relation to the service rendered in filing or the expenses of the election, is an arbitrary and unreasonable burden upon candidates who seek public office. *People v. Board of Election Commissioners* (1906), 221 Ill. 9, 21.

**Independent candidate petition, signers.** Independent candidates may be nominated by qualified electors as follows:

For state office, not less than 1,000 signers;

For an office within an electoral district or political division of less than a state and in cities in excess of 5,000 population, not less than 25 signers and one for every fifty persons who voted at the next preceding general election;

For office in a town, village, precinct or ward and in cities of less than 5,000 population, five per cent of the vote cast therein at the last preceding election.

A person who has signed the nominating petition of a candidate for a certain office cannot sign the petition of another candidate for the same office,



nor can a person who has voted at a primary for a certain office sign a nominating petition for the same office. (Hurd's Stat. 1919, ch. 46, pars. 292, 292a.)

**Judicial candidates, county convention.** Precinct and ward committeemen who are elected at a direct primary are the legal representatives of their respective parties and may lawfully nominate judicial candidates at a county convention. *People v. Sweitzer* (1918), 282 Ill. 171, 176.

**Judicial office, signers, filing.** At least one-half of one per cent of the qualified primary electors of the candidate's party in the district or division must sign a nominating petition for a judicial office; which petition is filed in the office of the secretary of state not more than sixty nor less than forty days prior to date of primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nominating petition, amendment.** Amendment of or adding names to a nominating petition can only be done before it has been filed. (Hurd's Stat. 1919, ch. 46, par. 292.)

**Nominating petition, form.**

To the .....

(filing officer)

We, the undersigned qualified voters of the.....

.....  
(name political division)

here nominate .....

of....., county of.....

and State of Illinois, as the candidate of the.....  
 .....party for the office of.....  
 for the political division aforesaid; and we certify  
 that we have not voted at a primary election nor  
 signed any other petition for the nomination of any  
 candidate for the office aforesaid:

	Signature	Address: In cities of over 10,000 give street number
1	.....	.....
2	.....	.....
3	.....	.....
4	.....	.....
5	.....	.....

(Lines for 25 signatures)

State of Illinois, }  
 .....County } ss.

I, ....., an adult resident of  
 the....., do hereby certify  
 (name political division)  
 that my residence address is No.....

street, .....Illinois; that the  
 signatures on this sheet were signed in my presence  
 and are genuine; that, to the best of my knowledge  
 and belief, the persons so signing were, at the time  
 of signing, qualified and duly registered voters of  
 the political division aforesaid and that their respec-  
 tive addresses are correctly stated therein.

.....

Subscribed and sworn to before me this.....  
 day of ..... A. D. 19.....

[SEAL]

.....  
 Notary Public.

Sheet No.....

(Hurd's Stat. 1919, ch. 46, pars. 292, 292a.)

**Nominating petition, requirements.** Each sheet of a nominating petition is headed by the name of the candidate or candidates, the office sought, his place of residence, and the party or political principles represented by him, with one column for names of signers and another column for their residences.

At the bottom of each sheet is added a sworn statement by an adult resident of the same political division as the candidate, giving his residence address and in cities of over 10,000, the street and number, certifying to the signatures on it as having been signed in the presence of the person making the statement, to their genuineness, to the correctness of the respective residences and to the best knowledge and belief that the persons who signed the sheet are qualified voters and in municipalities of over 10,000 population are also registered.

All the sheets are uniform in size and fastened together in book form at one edge in a secure and suitable manner and numbered consecutively. They should not be fastened together end to end, forming a continuous strip or roll. (Hurd's Stat. 1919, ch. 46, par. 292a.)

**Nominating petition, residence.** The residence address when required must be given in full. Ditto marks invalidate the petition. (1919-20 Atty. Gen. Rep. 139.)

**Nomination by political parties.** A political party which at the general election next preceding polled in an electoral district, division or municipality at least two per cent of the entire vote therein may nominate candidates for office in such district by convention of delegates, caucus or meeting and filing a certificate of nomination. (Hurd's Stat. 1919, ch. 46, par. 291.)

**Nomination papers, insufficient.** Nomination papers for a county office which fail to state the office for which the candidate is nominated nor the street and number of his residence are insufficient and inoperative. *Schuler v. Hogan* (1897), 168 Ill. 369, 378.

**Oath, notary public.** Under the strict letter of the primary law, the notary before whom a nominating petition is sworn to must be one who actually resides in the same county as does the person who makes the statement accompanying the petition. (Hurd's Stat. 1919, ch. 46, par. 479.)

**Objections, circuit and superior court judges.** The Secretary of State and not the county judge, the county clerk and the State's attorney determines objections or questions arising in the case of nominations of judges for circuit and superior court of

Cook County and such objections are limited to the genuineness of the nomination certificate alone. *People v. Righeimer* (1921), 298 Ill. 611, 619.

**Objections, filing.** The secretary of state may limit the time for filing objections to nomination papers. (1919-20 Atty. Gen. Rep. 141.)

**Objections, notice.** A candidate who is affected by the filing of objections against his nomination is promptly notified by notice addressed to his place of residence appointing a time and place where the objections will be heard. (Hurd's Stat. 1919, ch. 46, par. 297.)

**Objections, trial boards, decision.** Objections to nominations for state officers are heard by the secretary of state, the auditor of public accounts and the attorney general.

Objections to nomination for officers for a division greater than a county and less than the state are considered by the county judges of the counties affected.

Objections to nominations for county officers are considered by the county judge, the county clerk and the state's attorney.

Objections to nominations for city, town or village officers are considered by the mayor or village or town president, city, town or village clerk and one alderman or trustee chosen by lot, unless the city, town or village has a board of election com-

missioners, in which case the objections are heard by these commissioners.

Objections to nominations for town officers are considered by the board of auditors.

A majority of the trial board may pass upon the objections and its decision is final. (Hurd's Stat. 1919, ch. 46, par. 297.)

The decision of a majority of the officers who pass upon objections which go to the form of nominating papers is final. *Schuler v. Hogan* (1897), 168 Ill. 369, 379.

**Offices.** Political parties nominate candidates at primaries for the following offices: alderman, attorney general, auditor of public accounts, bailiff of the municipal court of the city of Chicago, board of assessors members in counties of 125,000 or more population, board of review members, city court judges, clerk of the appellate court, clerk of the circuit court, clerk of city courts, clerk of the criminal court of Cook county, clerk of the municipal court of the city of Chicago, clerk of the superior court of Cook county, clerk of the Supreme Court, Congressman (including Congressman at Large), constable in townships that are coextensive with cities, incorporated towns or villages, coroner, county auditor, county clerk, county commissioner of Cook county, county commissioners in counties of the first and second classes in counties not under township organization, county judge, county superintendent of schools, county surveyor, county treas-

urer, delegates and alternate delegates to national nominating convention, Governor, justice of the peace in a township that is coextensive with a city, incorporated town or village, Lieutenant Governor, mayor, mayor and commissioners, municipal court judges, precinct committeeman, president board of trustees of sanitary district, president county board of Cook county, probate clerk, probate judge, recorder of deeds, secretary of state, sheriff, state treasurer, state's attorney, superintendent of public instruction, supervisor and assistant supervisor, town clerk and township assessor in a township that is coextensive with a city, incorporated town or village, trustees of sanitary district, village clerk, president or trustee in a township that is coextensive with a city, incorporated town or village, United States senator and ward committeeman. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Offices not specifically named, signers.** A nominating petition for an office for which no definite number of signers is required must have at least ten per cent of the primary electors of the candidate's party in the district or division for which the nomination is made. (Hurd's Stat. 1919, ch. 46, par. 479.)

**Political parties, nominations.** Nominations for any and all offices to be filled at any and all elections held in the state, or in any electoral division or district of the state, may be made by a political party which has polled two per cent of the total vote cast

in the entire state at the next preceding general election; nominations for offices to be filled by elections held in one or more electoral divisions or districts, or in some municipality therein, may be made by a political party which has polled two per cent of the vote cast in such division, district or municipality, but not in the entire state at the next preceding general election; in either case, failure at a future similar election to poll the requisite percentage of votes terminates the right to make such nominations. (§ 4, Ballot Law; *People v. Williamson* (1900), 185 Ill. 106, 111.)

**Primary nominations.** Party nominations under the General Primary Act of 1910, are made for the following officers: bailiff of the municipal court of Chicago, city officers, clerks of the appellate court, clerk of the municipal court of Chicago, congressional officers, county officers, delegates and alternate delegates to national nominating convention, judges of the municipal court of Chicago, judicial officers, precinct committeemen, sanitary district trustees, state central committeemen, state officers, town or township officers in townships co-extensive with cities, incorporated towns or villages only, village officers and ward committeemen. (Hurd's Stat. 1919, ch. 46, par. 452.)

**Primary petition requirements.** Several candidates belonging to the same political party and aspiring to the same or different offices may join in a single nominating petition to be filed with the



same officer. The petition consists of sheets of uniform size, numbered consecutively, fastened together at one edge, but not end to end to form a continuous strip or roll, and bound in book form; each sheet above the signature space is headed with the name of the candidate or candidates, the office or offices sought, the name of the political party represented, and the place of residence; it must be signed personally by the proper number of qualified primary electors residing within the political division for which the nomination is sought, giving their address and the street number if residents of a city having a population of more than 10,000 according to the then last federal census. (Hurd's Stat. 1919, ch. 46, par. 479.)

**Primary petition, form.**

.....  
(bind here)

**PRIMARY PETITION**

We, the undersigned, members of and affiliated  
with the.....party, and qualified  
(name of party)

Primary Electors of said.....party,  
(name of party)  
in the State of Illinois, do hereby petition that

.....  
(name of candidate)

who resides at..... in the County of  
..... and State of Illinois,  
shall be a candidate of the.....party  
(name of party)

for the nomination for the office of

(name office, and if for United States Senator, add "from the State of Illinois.")

to be voted for at the Primary Election to be held on the ..... day of....., A. D. 19.....

Name	Number and Street (In Cities of 10,000 or over.	City, Town or Village.	County and State
1			Illinois. County,
2			County, Illinois.
3			County, Illinois.
4			County, Illinois.
5			County, Illinois.
6			County, Illinois.

(Lines for 25 signatures)

State of Illinois, }  
County of..... } ss.

I, ..... do hereby  
(name of person making affidavit)

certify that I am upwards of the age of twenty-one  
years, that I reside at Number.....street,  
city

in the town of.....  
village

(name of city, town or village and cross out inapplicable word)

County of.....and State of Illinois,  
and that the signatures on this sheet were signed in  
my presence, and are genuine, and that to the best  
of my knowledge and belief the persons so signing  
were at the time of signing said petition qualified

voters of the.....party, and  
(name of party)  
 that their respective residences are correctly stated  
 as above set forth.

.....  
(Signature of person making affidavit)

Subscribed and sworn to before me this.....  
 day of....., A. D. 19.....

.....  
(Signature of person administering oath)

.....  
(Official title of officer administering oath)

[SEAL]

.....  
 Sheet No.....

(Hurd's Stat. 1919, ch. 46, par. 479.)

**Representative in the General Assembly, nomination, jurisdiction.** Contests for the nomination of candidates for representative in the General Assembly must be brought in the circuit and not in the county court. *People v. Deneen* (1912), 256 Ill. 536, 539.

**Representative, objections, appeal.** The decision of the county judges of counties comprising a senatorial district is final in case objections to certificates of nomination have been referred to them for consideration and they have reached a decision after a full hearing. *People v. Rose* (1904), 211 Ill. 249.

**Right to choose candidates, nature.** The right to choose candidates for public office is as valuable as the right to vote for a candidate after he has been nominated. *People v. Fox* (1920), 294 Ill. 263, 268.

**Several nominations, election, objections.** As between two nominations of the same candidate for the same office, one by a regularly called and constituted convention and the other by an illegal convention, the candidate should not be required to make an election. *People v. Rose* (1904), 211 Ill. 259.

**Validity of nominating or primary law.** The title to public office of a successful candidate at an election cannot be affected by a decision holding invalid the law under which he was nominated. *People v. Strassheim* (1909), 240 Ill. 279, 296.

**Verifying statement.** At the bottom of each sheet of a primary petition is added a sworn statement made by an adult resident of the political division for which the candidate is seeking nomination, giving his residence and street number if a resident of a city having a population of over 10,000 according to the last preceding federal census, and certifying that the signatures on the sheet were signed in his presence, are genuine, and to the best of his knowledge and belief the persons so signing were at the time qualified voters of the political party for which the nomination is sought; which statement is in the following form:

State of Illinois, }  
 .....County. } ss.

I, ..... do hereby certify that I am upwards of the age of twenty-one years,

that I reside at No.....street, in the....., county of.....and State of Illinois, and that the signatures on this sheet were signed in my presence, and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of signing said petitions qualified voters of the..... party, and that their respective residences are correctly stated, as above set forth.

.....  
 .....  
 Subscribed and sworn to before me this..... day of ....., A. D.....

.....  
 (Hurd's Stat. 1919, ch. 46, par. 479.)

**Withdrawal or declination of nomination.** For state office and an office in a division greater than a county, nominations may be withdrawn by filing with the secretary of state a written request for withdrawal not less than twenty-five days previous to the date of election.

For county, city, village, town or other office, by filing with the proper clerk withdrawal of nomination not less than thirteen days prior to election day.

As soon as informed that a candidate has been nominated by more than one convention, caucus, meeting or petition for the same office, the secretary of state or the county clerk immediately notifies the candidate to exercise his preference between such nominations.

A candidate who has been notified to make his choice between several nominations for the same office must exercise his election within three days of the receipt of notice; and if he fails to do this, his name is withheld from the ballot. (Hurd's Stat. 1919, ch. 46, par. 295.)

**Withdrawing primary petition.** Not less than thirty-five days, in case of a filing with the secretary of state, or not less than twenty days in case of a filing with the proper clerk, before the date of the primary, a candidate for nomination or committeeman may withdraw his petition by filing with the secretary of state or proper clerk a written, signed and duly acknowledged request of withdrawal of his candidacy. (Hurd's Stat. 1919, ch. 46, par. 481.)

**Withdrawing signature from nominating petition.** Withdrawal or revocation of a signature to a nominating petition under the Australian Ballot Law must be in writing and can only be done before the filing of the petition. (Hurd's Stat. 1919, ch. 46, par. 292a.)

**Withdrawing signatures from primary petition.** Signatures to a primary petition may be withdrawn only upon written revocation made before filing the petition. (Hurd's Stat. 1919, ch. 46, par. 479.)

NOMINATIONS, see CONVENTION.

NON-HIGH SCHOOL BOARD,

The board of education of a non-high school dis-

trict consists of the county superintendent of schools as ex officio member and secretary thereof and three elective members. (Hurd's Stat. 1919, ch. 122, par. 93.)

**Election.** On the third Saturday in April annually there is elected a member of a board of education of a non-high school district. (Hurd's Stat. 1919, ch. 122, par. 93.)

**Nominating petition, filing.** Candidates for member of the board of education of a non-high school district are nominated by petition signed by at least fifty legal voters of the district and filed with the county superintendent of schools at least fifteen days before election. (Hurd's Stat. 1919, ch. 122, par. 93.)

**Term of office.** A member of the board of education of a non-high school district holds office ~~for~~ a term of three years and until a successor is elected. (Hurd's Stat. 1919, ch. 122, par. 93.)

**Vacancy.** A vacancy in the board of education of a non-high school district is filled by the remaining members until the next annual election. (Hurd's Stat. 1919, ch. 122, par. 93.)

#### NORMAL SCHOOL BOARD,

The director of the department of registration and education and the superintendent of public instruction, with nine officers, constitute the Normal school board. (Hurd's Stat. 1919, ch. 24½, par. 5.)

Appointment, see Governor, civil administrative officers.

**Qualification.** Not more than two members of the board can be residents of any one congressional district. (Hurd's Stat. 1919, ch. 24½, par. 7.)

**Term of office.** Members of the Normal school board hold office for a term of six years from the second Monday in January next after the election of a Governor and until their successors are appointed and qualified. (Hurd's Stat. 1919, ch. 24½, par. 13.)

#### NOTARY PUBLIC.

**Appointment, recording.** The Governor by and with the advice and consent of the senate appoints and commissions notaries public upon a petition of at least fifty legal voters of the city, town, village or precinct in which the appointee resides; a memorandum of which appointment, with the time when the office expires, is entered in the office of the county clerk of his county. (Hurd's Stat. 1919, ch. 99, pars. 1, 2, 5.)

**Qualification.** A person seeking appointment as notary public must not be under twenty-one years of age, must be a citizen of the United State and a resident in Illinois for one year preceding the appointment. (Hurd's Stat. 1919, ch. 99, par. 1.)

**Seal.** The seal of a notary public has upon it engraved words descriptive of his office and the name



of the place or county in which he resides. (Hurd's Stat. 1919, ch. 99, par. 7.)

**Term of office.** A notary public is appointed for a term of four years, unless sooner removed by the Governor. (Hurd's Stat. 1919, ch. 99, par. 3.)

NOTICE OF ELECTION, see ELECTION CALENDAR, HOLIDAY.

NOTICE OF ELECTION, see NOTICE OF PRIMARY.

NOTICE OF PRIMARY AND ELECTION,

**Adoption of City Election Law, posting or publication.** In case of an election for the adoption of the City Election Law, notice of election is given in cities having no newspaper published by posting five notices of election in each ward sixty days before election; in cities having newspapers published, by publishing a notice of election in one or more of the newspapers at least five times, the first publication to be sixty days before the day of election. (Hurd's Stat. 1919, ch. 46, par. 156.)

**Annual town meeting.** The town clerk or in his absence the supervisor, assessor or collector posts at least ten days prior to the meeting a written or printed notice in three of the most public places in the town, giving the time and place of holding the town meeting, or publishes the notice at least once prior to the meeting if there be a newspaper pub-

lished in the town. (Hurd's Stat. 1919, ch. 139, par. 52.)

**City election.** In city elections, the city council at least twenty days previous to an election causes the publication or posting in every voting place a notice of the time and place of the election and the officers to be elected. (Hurd's Stat. 1919, ch. 24, par. 56.)

**Compliance with requirements, special elections.** In case of special elections, a strict compliance as to the giving of notice for the exact period and in the precise manner is necessary to the validity of the election. *People v. Jackson County* (1879), 92 Ill. 441, 453, 454.

**Contents.** The notice of a primary should state the time when and the place where the primary is to be held, the hours during which the polls will be open, the offices for which candidates will be nominated and the political parties entitled to participate therein. (Hurd's Stat. 1919, ch. 46, par. 463.)

**Drainage commissioner.** It is the duty of the town clerk in each district, including new districts organized under the Farm Drainage Act during the previous year, to call drainage elections in his township by giving ten days' notice that an election will be held at a specific time and place; which notice is posted in three conspicuous places in the district.

Any drainage commissioner or person interested may call an election and give notice thereof when

the town clerk fails, neglects or refuses to give proper notice and as a consequence no election is held at the statutory date. (Hurd's Stat. 1919, ch. 42, par. 89a.)

**Duration.** Thirty days' notice in case of a general election; twenty days' notice in case of a special election, unless it is otherwise provided by law; and at least twenty days' notice in case of a primary, is required as notice of election or primary. (Hurd's Stat. 1919, ch. 46, pars. 46, 321, 463.)

**Form.** An election notice is in form substantially as follows:

Notice is hereby given that on (give the date) at (give the place of holding the election and the name of the precinct or district), in the county of (name county), an election will be held for (give the title of the several offices to be filled), which election will be opened at 7 o'clock in the morning and continued open until 5 o'clock in the afternoon of that day.

Dated at.....this.....day  
of.....A. D., 19.....

.....County Clerk.  
(Hurd's Stat. 1919, ch. 46, pars. 46, 321.)

The county clerk delivers notice of election to the sheriff in counties not under township organization and to the supervisors in counties under township organization. (Hurd's Stat. 1919, ch. 46, pars. 46, 321, 463.)

**Hard road tax.** A notice for a vote upon the question of levying a hard road tax must specify the same kind of road as is described in the petition. *People v. Kankakee and Seneca Railroad Co.* (1911), 248 Ill. 114, 117.

**High school district election, posting.** The statutory form of election notice is used in all high school district elections, which notice ten days prior to the election is posted by the board of education in at least ten of the most public places in every voting precinct. (Hurd's Stat. 1919, ch. 122, par. 91.)

**Justice of the peace.** An order for a special election to fill a vacancy in the office of justice of the peace is addressed to the judges of election of the proper town or precinct, calling an election to be held on a day therein named not less than twenty days from the issuance of the order, at the same time delivering three copies of a notice of such election, two to be posted in such town or precinct in two public places. (Hurd's Stat. 1919, ch. 79, par. 7.)

**Number.** Three election notices are required for each election precinct or district. (Hurd's Stat. 1919, ch. 46, pars. 46, 321.)

**Posting.** Fifteen days before holding a general election and eight days before holding a special election, the sheriff in counties not under township organization and the supervisor in counties under

township organization is required to post three election notices in each election precinct or district in the most public places.

Notice of a primary is posted fifteen days prior to the primary by the same authorities and in the same manner as other election notices are posted. (Hurd's Stat. 1919, ch. 46, pars. 47, 463.)

**Posting, proof or affidavit of.** An affidavit which states that the notice of election was posted a certain number of days before or prior to the election is sufficient and it is not necessary to state that the notice remained posted for the required period. *People v. Shaw* (1912), 253 Ill. 597, 601.

**Posting, specimen ballots.** It is the duty of the primary judges to post not less than five of the specimen ballots in the precinct, one of which should be posted at the polling place. (Hurd's Stat. 1919, ch. 46, par. 488.)

**Presumption.** Every voter is presumed to take notice of, and to deposit his ballot at, the particular time and place appointed, where both the time and place of the election are prescribed by statute. *People v. Gary* (1902), 196 Ill. 310, 316.

**Publication.** Under the City Election Law, the election commissioners give notice by publication of the day and place of election in each precinct. (Hurd's Stat. 1919, ch. 46, par. 188.)

**Road district.** The road district clerk, or in his absence the highway commissioner, is required to

post in at least three of the most public places in the district, fifteen days prior to the election, written or printed notice of the time and place of holding an annual road district election. (Hurd's Stat. 1919, ch. 121, par. 45.)

**School directors election.** At least ten days previous to an election the directors post in at least three of the most public places in the district a notice as follows:

**NOTICE OF ELECTION.**

Notice is hereby given that on Saturday, the .....day of April, 19....., an election will be held at.....for the purpose of electing.....school director.....for district No. ....in.....county.

The polls will be opened at.....o'clock .....M., and closed at.....o'clock.....M.

Dated this.....day of.....19.....

.....  
 President.

.....  
 Clerk.

In case of the school directors' failure to give the notice, the township treasurer performs the duty or in case of his refusal to order the election, the county superintendent of schools does it within ten days. (Hurd's Stat. 1919, ch. 122, par. 107.)

**School trustees election.** Upon the order of the school trustees, the township treasurer, or the county clerk in a first election, at least ten days previous to the time of the election, posts in not less than five of the most public places in the township, a notice as follows:

### NOTICE OF ELECTION.

Notice is hereby given that on Saturday, the .....day of April, 19....., an election will be held at.....for the purpose of electing .....school trustee.....for township No.....Range No..... The polls will be opened at.....o'clock.....M., and closed at .....o'clock.....M.

By order of the trustees of schools.

.....  
Township Treasurer.

The notice must designate that the polls will be opened in at least two places in a township in which for general elections there are more than two polling places. (Hurd's Stat. 1919, ch. 122, pars. 23, 28.)

**Special town meeting.** A notice of a special town meeting sets forth the object of the meeting as contained in the statement filed with the town clerk and is given in the same manner and for the same length of time as in case of other town meetings. (Hurd's Stat. 1919, ch. 139, pars. 58, 59.)

**Water district.** Upon the organization of a water district, the county judge calls an election to elect officers and causes notice thereof to be posted or published. (Hurd's Stat. 1919, ch. 24, par. 722.)

#### NOTICE OF REGISTRATION,

**Publication and posting.** Timely notice of the day and place of registration is given by publication in each precinct by the election commissioners; and two days before registration a printed notice of registration with a printed list and registration supplement are posted at each place of registration.

In case of intermediate registration, twenty days before the last day of registration a notice of the day and date when the intermediate registration will cease is published by the election commissioners in each daily newspaper published in the city, village or town in which the City Election Law is operative. (Hurd's Stat. 1919, ch. 46, pars. 188, 211.)

#### OFFENSES AND PENALTIES,

**Absence for voting,** see Leave of Absence.

**Absence from polls.** A judge's or clerk's wilful absence from the polls on election day without a good cause is a misdemeanor punishable by a five-hundred-dollar fine. (Hurd's Stat. 1919, ch. 46, par. 230.)

A judge of election who absents himself from the place of registration or polls when less than a ma-



majority of the judges is present is guilty of a misdemeanor punishable by imprisonment in the county jail for not less than sixty days nor more than six months, or by five hundred to one thousand dollars' fine, or both. (Hurd's Stat. 1919, ch. 46, par. 273.)

**Absent voter's affidavit.** Swearing falsely to the affidavit by an absent voter is perjury and is punishable as such. (Hurd's Stat. 1919, ch. 46, par. 567.)

**Absent voter's ballot.** Neglect or refusal to cast or return an official absent voter's ballot subjects offender to fine from two hundred to one thousand dollars or from sixty days' to one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919; ch. 46, par. 567.)

**Abstract of votes.** Fraud, corruption or misbehavior in making an abstract of votes, subjects offender to \$500 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 92.)

**Access and egress.** Wilfully obstructing, soliciting or bribing a judge of election, poll clerk, challenger or watcher to hinder or prevent his free access and egress to and from place of registration, revision of registration or election is a misdemeanor punishable by imprisonment in the county jail for six to twelve months, or by five hundred to two thousand dollars' fine, or both. (Hurd's Stat. 1919, ch. 46, par. 270.)

**Acting judges or clerks.** Under the City Election Law, acting judges or clerks are subject to the same punishment and penalties as any other judge or clerk. (Hurd's Stat. 1919, ch. 46, par. 230.)

**Actions, parties.** In cities having election commissioners, all fines and forfeitures recoverable under that Act are recovered in the name of the board of election commissioners. (Hurd's Stat. 1919, ch. 46, par. 279.)

**Adding or removing ballot during canvass.** A judge's fraudulent removal from, or adding to, a ballot box of a ballot or semblance thereof during or before a canvass is a felony punishable by imprisonment in the penitentiary for one to five years. (Hurd's Stat. 1919, ch. 46, par. 260.)

**Advice and counsel.** Aiding, counseling or advising any voter, person, judge of election, or other registration officer to do an unlawful act or to omit the doing of a lawful act; or advising or counseling any election officer to refuse or neglect to do his duty, or to receive the vote of a disqualified elector, or to do any act by law forbidden or to omit to do any act by law directed to be done, or to give or make a false certificate, document, report, return or other false evidence in relation thereto, is a misdemeanor punishable by imprisonment in the county jail for not less than three nor more than twelve months. (Hurd's Stat. 1919, ch. 46, pars. 255, 256.)

**Advising,** see Aiding and abetting.

**Aiding and abetting.** A person not an election officer who advises, procures or abets the stealing, wilful destroying, mutilating, defacing, falsifying or fraudulent removing or secreting the whole or any part of a record, register, copy thereof, oath return or statement of votes, certificate, poll list or any paper, document or vote, of any description is guilty of a felony punishable by imprisonment in the penitentiary for one to ten years. (Hurd's Stat. 1919, ch. 46, par. 263.)

Aiding or abetting a person to register in more than one election precinct or district, or to falsely personate a registered voter subjects offender to one year's imprisonment in the state prison. (Hurd's Stat. 1919, ch. 46, par. 147.)

The aiding or abetting of anyone disqualified to vote at a primary is punishable by one thousand dollars' fine or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 517.)

Aiding and abetting a person to vote or to attempt to vote who is not a qualified voter subjects offender to \$1,000 fine or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 82.)

**Alterations,** see Fraudulent entries.

**Arrest, challengers.** A voter who challenges an applicant for registration is privileged from arrest while appearing before the board of election com-

missioners and while going to and returning from a hearing. (Hurd's Stat. 1919, ch. 46, par. 205.)

Arrest, see Disorderly conduct, also Warrant.

**Attendance and presence.** Wilfully obstructing, soliciting or bribing a judge of election, poll clerk, challenger or watcher to prevent or hinder his presence or attendance at a place of registration, revision of registration, election or canvass of the ballots is a misdemeanor punishable by imprisonment in the county jail for six to twelve months, or by five hundred to two thousand dollars' fine, or both. (Hurd's Stat. 1919, ch. 46, par. 270.)

**Attendance.** Preventing or attempting to prevent by unlawful means the attendance of a voter at an election, subjects the offender to \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 82.)

**Ballot box, destroying.** A person who conceals or wilfully breaks or destroys a ballot box on election day or before the canvass of votes is completed, or who wilfully conceals, secretes or removes the box from the custody of the judge of election, is guilty of a felony punishable by imprisonment in the penitentiary for two to five years. (Hurd's Stat. 1919, ch. 46, par. 271.)

**Ballot box, obstructing view.** A judge's failure to keep the ballot box constantly in public view during the progress of an election, unless he has protested against it and his protest was overruled by a

majority of the judges, is a misdemeanor punishable by a one thousand dollars' fine; so judges of election who fail to remove any barricade or other obstruction of the ballot box from public view are punishable by a fine of one thousand dollars and imprisonment in the county jail for not less than six months nor more than two years. (Hurd's Stat. 1919, ch. 46, par. 231.)

**Ballot box, obstruction, interference with removal.** Any officer or private individual who interferes with the removal of a barricade or an obstruction of the ballot box from public view on election day is guilty of a misdemeanor and is punishable by sixty to ninety days' county jail imprisonment. (Hurd's Stat. 1919, ch. 46, par. 231.)

**Betting at common law.** Only such wagers are unlawful at common law as are against sound policy, or tend to a breach of the peace, immorality or indecency, or affect injuriously the rights of third persons, or are prohibited by statute. *Morgan v. Pettit* (1842), 4 Ill. 529, 530.

**Betting.** Betting upon the result of an election or the result in one way, or upon the number of votes any candidate may receive, or upon who will receive the greatest number of votes, or upon who will or who will not be elected, subjects offender to \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 85.)

Betting on the result of an election to be held in another state, under a law forbidding wagering on the result of elections held "in this state" is not unlawful, either under the statute or at common law; for such a bet would preclude the parties to it "from exercising any dangerous or controlling influence over the result." *Morgan v. Pettit* (1842), 4 Ill. 529, 531.

**Betting, primary.** Betting or wagering on the result of a primary, or upon the number of votes that any person will receive at a primary is punishable by one thousand dollars' fine or one year's imprisonment in the county jail, or both. (*Hurd's Stat.* 1919, ch. 46, par. 520.)

**Betting, promissory note, recovery.** A promissory note given in consideration of the result of a presidential election is void, but in the hands of an innocent holder for value and before maturity, will support an action thereon. *Lockhart v. Hullinger* (1877), 2 Ill. App. 465; *Adams v. Wooldridge* (1841), 4 Ill. 255.

**Betting, recovery back.** Betting on the result of an election is against the Illinois statutes as well as the common law and the money placed in the hands of a stakeholder is recoverable in an action of assumpsit. *Stevens v. Sharp* (1861), 26 Ill. 404.

**Betting, result of presidential election.** Betting on the result of a presidential election to be held in this state is prohibited by Illinois statute; but a bet

made between citizens of this state upon the result of a presidential election held in another state, the vote probably canvassed but before the result is known, is not unlawful under Illinois statute. *McC. Clurken v. Detrich* (1864), 33 Ill. 350, 352; *Smith v. Smith* (1859), 21 Ill. 244.

**Breach of the peace.** Impeding or hindering registration, revision, election or canvass, by threats or violence, is a misdemeanor punishable by imprisonment in the county jail for thirty days to one year, or by fine of two hundred and fifty to one thousand dollars, or by both fine and imprisonment. (*Hurd's Stat.* 1919, ch. 46, par. 269.)

**Breaking seal or opening register or affidavit envelope.** Any judge of election who breaks the seal or opens any envelope containing affidavits or registers, or permits the same to be done while in his custody, is guilty of a misdemeanor punishable by imprisonment in the county jail for not less than three nor more than twelve months. (*Hurd's Stat.* 1919, ch. 46, par. 226.)

**Bribery in primary or election.** A person or candidate who pays, furnishes or promises to pay or furnish, or bribes another with money, intoxicating liquor or any other thing of value, or the promise thereof, is not liable to punishment therefor, but is a competent witness and may be compelled to testify in a prosecution for bribery at a primary or an election. Soliciting, requesting, demanding or

receiving, directly or indirectly, money, intoxicating liquor or other thing of value, or the promise thereof, or soliciting a loan of money, purchasing anything of value, or using any other subterfuge to influence a vote or used or under pretense of being used to procure a vote of a person or persons, or used at any polling place prior to or on primary or election day, for or against a candidate for office, or for or against any measure or question to be voted upon constitutes bribery punishable, for the first offense, by five to fifteen years' disfranchisement and imprisonment in the county jail for three to twelve months and to payment of costs of prosecution; for a second offense, the first being alleged and proven, the offender is punishable by permanent disfranchisement at any general, special or town meeting election and by not less than one year's imprisonment in the county jail. (Hurd's Stat. 1919, ch. 46, pars. 83, 518.)

Influencing or attempting to influence, directly or indirectly, an elector or person to vote by an offer or a promise of a reward or a bribe, force, threat, menace, or intimidation is a misdemeanor under the City Election Law, punishable by imprisonment in the county jail for not less than three nor more than twelve months. (Hurd's Stat. 1919, ch. 46, par. 256.)

Offering an elector a bribe in money or in the form of treating or an appointment to an office or employment for the purpose of influencing his vote



at any election, and requesting, receiving or accepting by an elector of a bribe, money, other consideration or treats, or agreeing to vote or support any candidate in consideration that he be appointed to an office or employment under a city or village under the commission form of government, is punishable by not less than \$100 nor more than \$500 fine or by not less than ten nor more than ninety days' imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 24, par. 193b21.)

Directly or indirectly entering into any understanding or agreement to do or not to do any official act in the event of election to the benefit or advantage of any person, firm, corporation or association, in consideration for his or their influence, support and assistance to bring about the election of a candidate, except the public outlining of a candidate's position or the pledging by a candidate of his support for or opposition to any measure or prospective measure of a public nature, constitutes bribery and is punishable by not less than \$100 nor more than \$500 fine or by not to exceed thirty days' imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 24, par. 193b38.)

A judge of election who receives, requests or demands a bribe or reward, is subject to \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 82.)

**Bribery, jurisdiction.** Prosecutions for bribery at primaries or in elections may be by indictment in

the circuit court or by information in the county court. (Hurd's Stat. 1919, ch. 46, pars. 83, 518.)

**Bribing judge or clerk.** Giving or offering to give a bribe to any judge or clerk of election or to any primary judge or clerk to do or not to do an act in line or in disregard of his official duty, or receiving, requesting or demanding bribe or reward by judge or clerk of election, subjects offender to \$1,000 fine or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, pars. 82, 517.)

**Campaign expenses.** A person elected to office under the commission form of government who fails to make, file and publish a sworn statement of his primary, election and campaign expenses is guilty of a misdemeanor and punishable by not to exceed \$500 fine or by not to exceed three month's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 24, par. 193b39.)

**Campaign literature.** Except recognized and established newspapers, magazines or journals publishing matter on their own behalf and expense and legally constituted election officials when in the performance of their duties, the publication, circularization or distribution of pamphlets, circulars, handbills or other printed matter relative to the candidacy of any person or persons seeking nomination or election to any public office, must bear thereon in plain type the name and address of the

person or persons or officers of the firm, organization, or league causing the matter to be published and distributed as follows: If there are two or more persons, the names and addresses of each must be imprinted thereon in plain type; if there are more than ten persons, the names and addresses of only ten of such persons may be imprinted thereon; if a domestic corporation organized at least one year prior to the publication, and in good standing, it is only necessary to print the full corporate name and address of such corporation and the name of its chief executive officer. A violation of this requirement subjects the offender to a penalty of from \$100 to \$500 or to imprisonment in the county jail of from thirty days to six months, or to both fine and imprisonment, each publication constituting a separate offense. (Hurd's Stat. 1919, ch. 46, pars. 583, 586.)

**Canvassers.** The wilful failure or neglect of canvassers to apply for sufficient postage stamps with which to mail suspect notices, or to mail and leave such notices at their designated places, or to check names of persons on verification lists transferred from the registry and not found, or to transfer all the names from the registry to the verification list, or to verify suspect list or make a truthful affidavit thereto (in which latter case the offender is liable for perjury as well), is a misdemeanor punishable by county jail imprisonment for not less than one month nor more than one year and also constitutes

a contempt of court punishable by not exceeding one hundred days' county jail imprisonment and a fine of not less than fifty dollars, or both.

Any wilful failure or neglect of a canvasser to make the canvass is a misdemeanor punishable by county jail imprisonment of from thirty to sixty days, as well as for contempt of court. (Hurd's Stat. 1919, ch. 46, pars. 202, 203.)

**Card of instructions.** Defacing, tearing down removing or destroying during election posted card of instructions, subjects the offender to fine of \$10 to \$100. (Hurd's Stat. 1919, ch. 46, pars. 136, 317.)

**Certificate of nomination.** Making or filing false nomination certificates or destroying or suppressing nomination certificate or paper, or any part thereof, subjects the offender to a fine of \$100 to \$1,000, or from one to five years' imprisonment in the penitentiary, or both. (Hurd's Stat. 1919, ch. 46, par. 318.)

**Challenged vote.** Permitting challenged person to vote without proper proof, wilfully permitting person who is not qualified to testify and permitting disqualified person to vote, subjects offender to \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, pars. 46, 521.)

Receiving a vote from a person who has been challenged but who has failed to make proof of his qualifications, or the wilful omission of a judge

to challenge a person who is suspected of being disqualified, is a misdemeanor punishable by imprisonment in the county jail for three to twelve months. (Hurd's Stat. 1919, ch. 46, par. 258.)

Refusing a qualified elector's vote upon making affidavit and proof of qualification, subjects offender to \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, pars. 86, 521.)

**Changing ballot.** Depriving an elector of voting by changing his ballot, subjects the offender to \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 82.)

Fraudulently changing or altering the ballot of an elector is a felony punishable by imprisonment in the penitentiary for one to five years if committed by a person other than an election officer, and for two to five years if committed by an election officer. (Hurd's Stat. 1919, ch. 46, par. 266.)

**Changing returns, etc.** Changing or mutilating returns, tallies or ballots concerning the adoption of the City Election Law by a judge or clerk of election, subjects the offender to between five and ten years' imprisonment in the penitentiary. (Hurd's Stat. 1919, ch. 46, par. 166.)

**Contempt.** The Legislature under Const. 1870, art. 6, §. 18, has power to make the judges and clerks of election officers of the county court and to subject them to punishment for contempt for

any misbehavior connected with their official duties. *Sherman v. People* (1904), 210 Ill. 552, 556.

**Copying affidavit or register.** A judge of election or poll clerk who copies or permits some one else to copy any statement in affidavits or register while in his possession, except the names and addresses of voters with one answer from each voter if an application therefor is duly made, is guilty of a misdemeanor punishable by three to twelve months' county jail imprisonment. (Hurd's Stat. 1919, ch. 46, par. 228.)

**Corrupt conduct.** Any corrupt or fraudulent conduct or practice in the performance of the duties imposed upon election officers by the City Election Law or the General Election Laws of the state is a misdemeanor punishable by imprisonment in the county jail for three to twelve months. (Hurd's Stat. 1919, ch. 46, par. 261.)

**County seat election.** Wilful failure to perform any of the duties required of the judges and clerks of election, county judge, associate justice, county clerk, sheriff or any other officers or persons in a county seat election constitutes a misdemeanor punishable by fine of not less than \$500 nor more than \$5,000 or not less than six months nor more than one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 34, par. 106.)

**Defacing ballot.** Destroying or defacing a ballot wilfully subjects offender to fine of \$100 to \$1,000,

or to imprisonment in the penitentiary of one to five years, or to both fine and imprisonment. (Hurd's Stat. 1919, ch. 46, par. 318.)

**Defacing poll list.** Altering, defacing, injuring, destroying or concealing a poll list used at an election is a felony punishable by imprisonment in the penitentiary for two to five years. (Hurd's Stat. 1919, ch. 46, par. 271.)

**Defacing report.** Altering, defacing, injuring, destroying or concealing a report of an election is a felony punishable by imprisonment in the penitentiary for two to five years. (Hurd's Stat. 1919, ch. 46, par. 271.)

**Defacing return.** Altering, defacing, injuring, destroying or concealing a return or statement of votes is a felony punishable by imprisonment in the penitentiary for two to five years. (Hurd's Stat. 1919, ch. 46, par. 271.)

**Defacing statement, etc.** Wilfully defacing, destroying or concealing any statement, tally or certificate by a judge of election, member of the board of canvassers, messenger, poll clerk, or other election officer, constitutes a felony punishable by imprisonment in the penitentiary for five to ten years. (Hurd's Stat. 1919, ch. 46, par. 259.)

**Defenses.** Irregularities or defects in the notice, convening, holding or conducting an election is no defense to prosecutions under the City Election Law. (Hurd's Stat. 1919, ch. 46, par. 276.)

**Defenses, ignorance of law.** In cases arising under the election laws, a mistake if honestly made excuses a defendant if an intent is lacking because of mistake in a mixed question of law and fact, but a mistake of law only with a full knowledge of the facts will not avail the defendant. *People v. Becker* (1913), 179 Ill. App. 446, 454.

**Delaying delivery.** Delaying delivery of any ballots subjects offender to fine of \$100 to \$1,000, or to imprisonment in the penitentiary of one to five years, or to both fine and imprisonment. (Hurd's Stat. 1919, ch. 46, par. 318.)

Failure by deputized clerk or judge of election to carry and deliver poll books, tally list or ballots at the place of canvassing within the time prescribed by law and with the seal unbroken, when wilful or negligent, subjects offender to \$500 fine, or six months' imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 90.)

Under the City Election Law, a judge or clerk who fails to produce at the opening of the polls or who wilfully detains for fifteen minutes thereafter any register or poll book is guilty of a misdemeanor punishable by three to twelve months' county jail imprisonment or \$200 to \$1,000 fine. (Hurd's Stat. 1919, ch. 46, par. 230.)

Neglect or failure of any judge, clerk or messenger to carry and deliver primary poll book and tally sheets returns within the time prescribed by law is punishable by \$500 fine or six months' imprison-



ment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 524.)

**Disclosing vote.** A clerk or judge of election's disclosing, revealing or publishing upon wilful or corrupt comparison of poll book with ballot how an elector had voted at an election, or permitting any other person to do so, subjects offender to \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, pars. 87, 88.)

Judge of election who opens or unfolds a ballot presented to him for deposit in the ballot box, is subject to \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, pars. 86, 521.)

Allowing a ballot to be seen by any person with an apparent intention of showing how the voter is about to vote, subjects the offender to a fine of \$5 to \$100. (Hurd's Stat. 1919, ch. 46, par. 316.)

Corruptly ascertaining, publishing, revealing or disclosing how a primary elector has voted is punishable by \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 522.)

**Disfranchised person.** Voting or offering to vote before expiration of term of disfranchisement, subjects offender to indictment and imprisonment in the penitentiary from one to ten years. (Hurd's Stat. 1919, ch. 46, par. 83.)

**Disfranchised person, primary.** Voting or offering to vote when disfranchised on account of bribery

is punishable by one to ten years' imprisonment in the penitentiary. (Hurd's Stat. 1919, ch. 46, par. 518.)

**Disobeying command.** A person who wilfully disobeys any lawful command of the election officers, given in execution of their duty at an election or registration, is guilty of a misdemeanor punishable by imprisonment in the county jail for thirty days to one year or by two hundred and fifty to one thousand dollars' fine, or both fine and imprisonment. (Hurd's Stat. 1919, ch. 46, par. 268.)

**Disorderly conduct.** Persons who are disorderly at a primary or an election may be fined \$25. (Hurd's Stat. 1919, ch. 46, pars. 84, 519.)

Persons who persist in conducting themselves in a riotous or disorderly manner at an election after being warned to desist are subject to arrest without warrant. (Hurd's Stat. 1919, ch. 46, par. 45.)

Judges of election have authority and it is their duty to keep the peace and to cause the arrest of persons for any breach of the peace or violation of the election laws or any interference with the progress of registration, revision, election or the canvassing of ballots. (Hurd's Stat. 1919, ch. 46, par. 236.)

**Disorderly conduct, mittimus.** A written mittimus fixing the statutory length of imprisonment or until the fine be paid is necessary to the validity of an arrest and commitment for disorderly conduct at an election. *Davis v. Wilson* (1872), 65 Ill. 525.

**Disorderly conduct**, see Breach of the peace.

**Disqualified voter, primary.** Wilful voting at a primary when disqualified as an elector is punishable by an fine of one thousand dollars or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 517.)

**Electioneering**, see Political discussion.

Soliciting votes or electioneering on primary or election day within a polling place or within one hundred feet thereof, or interrupting, hindering or opposing a voter while approaching the polling place for the purpose of voting, subjects offender to fine of \$25 to \$100. (Hurd's Stat. 1919, ch. 46, pars. 315, 473.)

Electioneering by judges of election, poll clerks, challengers or any persons within the polling place is a misdemeanor punishable by imprisonment in the county jail for ten to ninety days, or by fine of \$100 to \$500, or both. (Hurd's Stat. 1919, ch. 46, par. 274.)

An agreement to perform services in the interest of a candidate for nomination or election as mayor or commissioner in consideration of money or other valuable thing, or for "treats," or for any appointment to an office or employment under the city or village, is punishable by not to exceed \$300 fine or by not to exceed thirty days' imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 24, par. 193b20.)

Any person who in an election in a school district having a population of not less than 1,000 nor more than 100,000 inhabitants and not governed by special act, solicits votes on election day within a polling place or within one hundred feet thereof, or who interrupts, hinders or opposes a voter while approaching the polling place for the purpose of voting, is guilty of a misdemeanor punishable by a fine of not less than \$25 nor more than \$100 for each offense. (Hurd's Stat. 1919, ch. 122, par. 126a.)

**Election duties.** Public officers' wilful neglect to perform or performing election duties in such a way as to hinder the object of the election laws, subjects the offender to a fine of \$5 to \$1,000, or from one to five years' imprisonment in the penitentiary, or both. (Hurd's Stat. 1919, ch. 46, par. 319.)

Refusal or neglect by an election officer to perform any duty prescribed or the making of any false statement or certificate required by the Military Service Absent Voters' Act subjects offender to a maximum fine of \$100 or to thirty days' imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 581.)

Election officers who intentionally cause or permit any voting machine to fail to register correctly, tamper with or disarrange such machine in any way or any part or appliance thereof, knowingly cause or consent to the use of a voting machine which is out of order, defraud or deceive a voter by causing a machine to be doubtful for what ticket or candi-

date or candidates or propositions any vote is cast, cause a vote to appear on the voting machine cast for one ticket, candidate or proposition as cast for another ticket, candidate or proposition, remove, change or mutilate any ballot label or any part thereof, do any other thing intended to interfere with the validity of the election, wilfully omit or neglect to perform any duty, do any act prohibited for which no punishment is otherwise provided, may be imprisoned in the state prison for not less than one year nor more than ten years, and fined not exceeding \$1,000. (Hurd's Stat. 1919, ch. 46, pars. 449, 450.)

Board of registration's wilful violation of statutory provisions or fraud in execution of their election duties subject the offender to one year's imprisonment in the penitentiary. (Hurd's Stat. 1919, ch. 46, par. 147.)

City clerk's wilful refusal to perform any duty required under the Primary Law is punishable by \$500 fine and subjects the offender to an action in damages not to exceed \$500, recoverable by the person injured. (Hurd's Stat. 1919, ch. 46, par. 523.)

Clerk of election's wilful neglect to perform any primary or election duty subjects him to \$500 fine, or six months' imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 89, 523.)

County clerk refusing or neglecting to perform any election duty is subject to \$500 fine, or to action on the case for \$500 damages to the party injured. (Hurd's Stat. 1919, ch. 46, par. 91.)

A county clerk who refuses, neglects or fails to print on the official ballot the names of candidates of the several political parties in the order certified by the secretary of state is guilty of a misdemeanor and is subject to a fine of \$500 and from ten to thirty days' imprisonment in the county jail. (Hurd's Stat. 1919, ch. 46, par. 301.)

Refusing or neglecting to perform his duties concerning absent voters subjects the county clerk to fine of \$100 to \$1,000, or to ninety days' imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 567.)

The failure to perform any duty imposed upon the county clerk by the City Election Law or failure to prepare for and deliver to the proper judges and clerks of election blank statements of returns and tally sheets for votes cast for or against the adoption of the City Election Law subjects the county clerk to not less than six nor more than twelve months' imprisonment in the county jail and to removal from office. (Hurd's Stat. 1919, ch. 46, par. 156.)

Wilful refusal of the county clerk to perform any duty required under the Primary Law is punishable by \$500 fine and subjects the offender to an action in damages not to exceed \$500, recoverable by the person injured. (Hurd's Stat. 1919, ch. 46, par. 525.)

County commissioner's refusing, neglecting or failing wilfully to do or perform any election duty subjects him to \$500 fine or to six months' imprison-

ment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 93½.)

Election commissioners' refusing or neglecting to perform their duties regarding absent voters subjects them to fine of \$100 to \$1,000, or ninety days' imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 567.)

Failure to prosecute judges or clerks of election for neglect to appear for examination or refusal to serve without good cause is ground for removal as election commissioner. (Hurd's Stat. 1919, ch. 46, par. 180.)

A judge of election who neglects to perform any duty required of him is subject to \$1,000 fine or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, pars. 86, 521.)

Wilful neglect to perform any duty imposed by the City Election Law upon an election judge subjects him to between one and three years' imprisonment in the penitentiary; wilful opening, changing, tearing, mutilating, losing or stealing any return of votes or tally sheets by an election judge, concerning the question of the adoption of the City Election Law, or wilfully causing or permitting the same to be done subjects the offender to between three and five years' imprisonment in the penitentiary. (Hurd's Stat. 1919, ch. 46, par. 165.)

Supervisor refusing, neglecting or failing wilfully to do or perform any election duty, subjects the offender to \$500 fine, or to six months' impris-

onment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 931½.)

Town clerk's wilful refusal to perform any duty required of him under the Primary Law is punishable by \$500 fine and is subject to an action in damages not to exceed \$500, recoverable by the person injured. (Hurd's Stat. 1919, ch. 46, par. 525.)

**Election workers.** The employment of election workers at a city election is not necessarily unlawful. (1919-20 Atty. Gen. Rep. 289.)

**Erasing name from register.** Striking or erasing from the registry of a precinct the name of any qualified voter by false personation or any unlawful means is a misdemeanor punishable by imprisonment in the county jail for not less than three nor more than twelve months. (Hurd's Stat. 1919, ch. 46, par. 255.)

**False canvass of returns.** The fraudulent or corrupt canvassing of returns is punishable by \$500 fine or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 526.)

**False canvass of votes.** Receiving and counting knowingly more than one vote for the same office, except where permissible under the law, is subject to \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, pars. 86, 521.)

Fraud, corruption or misbehavior in canvassing votes or in making any abstracts of votes or in issu-



ing any certificates of election, subjects the offender to \$500 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 92.)

Wilfully making a false canvass of the votes or taking any part therein by any judge of election, member of the board of canvassers, messenger, poll clerk or other officer is a felony punishable by imprisonment in the penitentiary for five to ten years. (Hurd's Stat. 1919, ch. 46, par. 259.)

**False certificate.** Fraud, corruption or misbehavior in issuing certificate of election subjects offender to \$500 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 92.)

Altering, defacing, injuring, destroying or concealing a certificate of election is a felony punishable by imprisonment in the penitentiary for two to five years. (Hurd's Stat. 1919, ch. 46, par. 271.)

Counseling, advising, inducing or attempting to induce any election officer to make or give a false certificate is a misdemeanor punishable by imprisonment in the county jail for not less than three nor more than twelve months. (Hurd's Stat. 1919, ch. 46, par. 256.)

**False document.** Counseling, advising, inducing or attempting to induce any election officer to make or give a false document is a misdemeanor punishable by imprisonment in the county jail for not less

than three nor more than twelve months. (Hurd's Stat. 1919, ch. 46, par. 256.)

**False endorsement.** Forging or falsifying initial endorsement on a ballot subjects offender to fine of \$100 to \$1,000, or to imprisonment in the penitentiary of one to five years, or to both fine and imprisonment. (Hurd's Stat. 1919, ch. 46, par. 318.)

**False poll list.** Wilfully keeping a false poll list or inserting therein any false statement, name, check, alteration or mark is a misdemeanor punishable by imprisonment in the county jail for three to twelve months. (Hurd's Stat. 1919, ch. 46, par. 257.)

**False registration,** see Fraudulent registration.

**False report.** Counseling, advising, inducing or attempting to induce any election officer to make or give a false report is a misdemeanor punishable by imprisonment in the county jail for not less than three nor more than twelve months. (Hurd's Stat. 1919, ch. 46, par. 256.)

**False return.** The making, signing, publishing or delivering of any false return of an election by a judge of election, member of board of canvassers, messenger, poll clerk, or other officer is a felony punishable by imprisonment in the penitentiary for not less than five nor more than ten years. (Hurd's Stat. 1919, ch. 46, par. 259.)

The wilful failure or neglect of a judge or clerk of election to make a true count and correct return

of votes cast upon any proposition submitted to a vote of the people constitutes a felony, punishable by imprisonment in the penitentiary for not less than three nor more than five years. (Hurd's Stat. 1919, ch. 46, par. 241.)

Counseling, advising, inducing or attempting to induce any election officer to make or give a false return is a misdemeanor punishable by imprisonment in the county jail for not less than three nor more than twelve months. (Hurd's Stat. 1919, ch. 46, par. 256.)

**False statement.** Wilfully stating or giving to a board of registry a false location, residence or qualification to vote, subjects offender to \$50 fine or ten days' imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 142.)

Making false statement concerning inability to mark ballot subjects offender to fine of \$5 to \$100. (Hurd's Stat. 1919, ch. 46, par. 316.)

Refusing to answer a canvasser's questions or wilfully giving him false information or false answers is a misdemeanor punishable by a maximum fine of \$100. (Hurd's Stat. 1919, ch. 46, pars. 192, 201, 215.)

**False swearing.** False swearing is perjury and is punishable accordingly if done knowingly, wilfully and corruptly by a person whose vote is challenged, by a witness, or by a person who registers. (Hurd's Stat. 1919, ch. 46, pars. 80, 147.)

Swearing falsely to a statement and certificate of a nominating petition is perjury. (Hurd's Stat. 1919, ch. 46, par. 292.)

**Fine and imprisonment, discharge.** A person who has been fined under the City Election Law cannot be discharged until he has paid the fine or has served out the fine at the rate of three dollars per day for each day of imprisonment. (Hurd's Stat. 1919, ch. 46, par. 278.)

**Forgery.** Falsifying a signature upon a petition for recall or statement filed under the commission form of government, or the residence street or number or the date of signing such petition, constitutes forgery. (Hurd's Stat. 1919, ch. 24, par. 193b42.)

**Fraud.** Furnishing ballot to voter and informing him that it contains name other than that which actually appears thereon, with intent to frustrate his choice, subjects offender to \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 82.)

A clerk of election who is guilty of fraud, corruption or misbehavior is subject to \$500 fine, or six months' imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 89.)

A judge of election who is guilty of fraud, corruption, partiality or manifest misbehavior is subject to \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 86.)

Intentionally practicing fraud upon any elector, whereby his vote is thrown out or counted for a person or candidate other than the one for whom it was cast, is a felony punishable by imprisonment in the penitentiary for one to five years if committed by a person other than an election officer, and for two to five years if committed by an election officer. (Hurd's Stat. 1919, ch. 46, par. 266.)

Any person who casts a fraudulent vote at any county seat election is guilty of a high misdemeanor punishable by confinement in the penitentiary for not less than one nor more than five years. (Hurd's Stat. 1919, ch. 34, par. 102.)

**Fraudulent ballots, ballot box.** A judge's wilfully causing or permitting ballot or ballots to be placed into ballot box at the opening of the polls and before voting is commenced; or the wilful placing into a ballot box at an election of a ballot or paper having the semblance thereof by a person other than a judge of election is a felony punishable by imprisonment in the penitentiary for one to five years. (Hurd's Stat. 1919, ch. 46, par. 260.)

**Fraudulent entries.** The fraudulent entry, erasure or alteration in or of a record, register, copy thereof, oath, return or statement of votes, certificate, poll list, or any paper, document or vote of any description, by a judge of election, poll clerk or other officer or person having its custody, or permitting the same to be done, is a felony punishable

by imprisonment in the penitentiary from one to ten years. (Hurd's Stat. 1919, ch. 46, par. 262.)

A judge of election or poll clerk who wilfully or corruptly makes an entry upon the register or poll book is guilty of a misdemeanor punishable by imprisonment in the county jail for thirty to sixty days, or by fine of one hundred to one thousand dollars, or both. (Hurd's Stat. 1919, ch. 46, par. 272.)

Designating as qualified any person whose qualifications have been challenged and before he has made and filed an affidavit as to his qualifications is an offense punishable by imprisonment in the county jail from ten to sixty days, or by a fine of \$100 to \$1,000, or by both. (Hurd's Stat. 1919, ch. 46, par. 199.)

**Fraudulent registration.** Causing one's name to be registered in more than one election precinct or district subjects offender to one year's imprisonment in the penitentiary for each offense. (Hurd's Stat. 1919, ch. 46, par. 147.)

Offering, attempting, or applying to register under false, assumed or fictitious name; or fraudulently registering in two election precincts, or attempting to register in another election precinct; or doing any unlawful act to secure registration of another or of a fictitious person; or fraudulently compelling or inducing a registration officer to register a person not lawfully entitled to registration, is a misdemeanor punishable by imprisonment in the coun-

ty jail for not less than three nor more than twelve months. (Hurd's Stat. 1919, ch. 46, par. 255.)

A judge of election or poll clerk who wilfully or corruptly admits a person to registration is guilty of a misdemeanor punishable by imprisonment in the county jail for thirty to sixty days, or by fine of \$100 to \$1,000, or both. (Hurd's Stat. 1919, ch. 46, par. 272.)

A person may be indicted for false registration although he was admitted to register by order of court or board of registry or election commissioners. (Hurd's Stat. 1919, ch. 46, par. 207.)

**Fraudulent voting.** Voting, or attempting or offering to vote, when not qualified, or doing any unlawful act to secure a right or an opportunity to vote for oneself or another; or inducing or attempting to compel or induce a judge of election or other election officer in a precinct to receive the vote of an unqualified elector is a misdemeanor punishable by imprisonment in the county jail for not less than three nor more than twelve months. (Hurd's Stat. 1919, ch. 46, par. 256.)

A person may be indicted for false voting although he has been admitted to register by order of court or board of registry or election commissioners. (Hurd's Stat. 1919, ch. 46, par. 207.)

**Hindering election officer.** Interfering, delaying or hindering any judge of election, poll clerk or other officer of election in the discharge of his

duties is a misdemeanor punishable by imprisonment in the county jail for not less than three nor more than twelve months. (Hurd's Stat. 1919, ch. 46, par. 256.)

**Hindering registration officer.** Interfering, hindering or delaying any judge of election or other registration officer so that he is prevented from discharging his duties is a misdemeanor punishable by imprisonment in the county jail for not less than three nor more than twelve months. (Hurd's Stat. 1919, ch. 46, par. 255.)

**Hindering voter.** Hindering a voter wilfully subjects the offender to a fine of \$10 to \$100. (Hurd's Stat. 1919, ch. 46, par. 317.)

Preventing or attempting to prevent by unlawful means a person to vote at a primary or an election subjects the offender to \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, pars. 82, 517.)

Hindering any qualified voter from freely exercising the right of suffrage by any means of prevention or hindrance, or attempted prevention, is a misdemeanor punishable by imprisonment in the county jail for not less than three nor more than twelve months. (Hurd's Stat. 1919, ch. 46, par. 256.)

**Illegal ballot.** A person who furnishes an elector a ballot containing more than the proper number of names is guilty of a felony punishable by



imprisonment in the penitentiary-for two to five years. (Hurd's Stat. 1919, ch. 46, par. 266.)

**Illegal voting.** Knowingly and wilfully voting when not qualified subjects offender to \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 81.)

**Impersonation.** Falsely impersonating a registered voter subjects the offender to one year's imprisonment in the penitentiary. (Hurd's Stat. 1919, ch. 46, par. 147.)

Falsely personating an elector or other person for the purpose of registration or voting, or attempting to register or to vote, is a misdemeanor punishable by imprisonment in the county jail for three to twelve months. (Hurd's Stat. 1919, ch. 46, pars. 255, 256.)

A person who casts a vote at a county seat election in any other name than his own is guilty of a high misdemeanor punishable by confinement in the penitentiary for not less than one nor more than five years. (Hurd's Stat. 1919, ch. 34, par. 102.)

One who procures another to impersonate an absent elector and to vote for him is himself guilty of impersonating if he is present at the time of and assists in the voting. *Lionetti v. People* (1899), 183 Ill. 253.

**Indictment, altering ballot.** In an indictment founded on the General Election Law, § 82, cl. 3, the acts constituting the offense must be specifically

set forth as to the mode and means of the charge. *Hunter v. People* (1893), 52 Ill. App. 367, 371, 372.

**Indictment, altering ballots by election judge or moderator.** In an indictment charging the defendant as election judge with altering or defacing ballots, it is not necessary to give the names of the electors whose ballots were altered or scratched, as the wrongful or corrupt act must be proven as alleged notwithstanding the omission. *Binger v. People* (1886), 21 Ill. App. 367, 369; S. C., 24 id. 310.

**Indictment, altering ballot by judge of election.** In an indictment charging a judge of election with altering a ballot cast in favor of a candidate for state's attorney, it is not necessary to allege that the candidate possessed the necessary qualifications required for state's attorney. *People v. Newsome* (1919), 214 Ill. App. 146, 150.

**Indictment, bribery.** An indictment is sufficient which specifically sets forth in the language of the statute the offense of bribery in elections so as to fully inform the defendant of the nature of the offense. *Christie v. People* (1903), 206 Ill. 337, 341.

**Indictment, false impersonation.** A charge of false impersonation and voting in the name of another being in the words of the statute is sufficient to support a conviction. *Brennan v. People* (1904), 113 Ill. App. 361, 363.

**Indictment, false impersonation, accessory.** An accessory is, under our statute, a principal, and in charging the offense it is not necessary to describe the circumstances as they actually occurred, but only to charge in direct terms that the accused actually did that which in legal effect was done by him; which allegation is sustained by showing that the accused was present, aided, advised, encouraged and assisted another to do the prohibited acts. *Brennan v. People* (1904), 113 Ill. App. 361, 364.

**Indictment, fraud, corruption and misbehavior.** An indictment against a judge of election setting out specific acts of fraud, corruption, partiality and misbehavior is not faulty because some of the acts also constitute a violation of other statutes or other provisions of the Election Law. *People v. Newsome* (1919), 291 Ill. 11, 14.

**Indictment, particularity.** A pleader is bound to set forth specifically the act or acts constituting a statutory offense which is described in too general language in the statute. *Hunter v. People* (1893), 52 Ill. App. 367, 369.

**Indictment or information.** Prosecutions for bribery at a primary may be had under indictment in the circuit court or upon information in the county court. (*Hurd's Stat.* 1919, ch. 46, par. 518.)

**Indictment, signing.** An indictment signed by a special state's attorney is valid although he is a

de facto officer. *People v. Newsome* (1919), 291 Ill. 11, 15.

**Information.** Refusal to give information or giving false information concerning one's right to appear on the register subjects the offender to the same penalty as does the refusal to give information or the giving of false information relating to one's right to vote at an election. (Hurd's Stat. 1919, ch. 46, par. 140.)

**Information, illegal voting.** An information charging the defendant with illegal voting is sufficient if it avers that the election was a general election held under and by virtue of the laws of the state of Illinois for the election of city officers, that the defendant did wilfully and unlawfully vote at said election well knowing himself not to be a qualified voter under the laws of the state of Illinois and that he was not a resident of a certain city at the time, although it omits to aver notice of election, voting by ballot, that the election was held under the Ballot Law, that the city council fixed upon the place to hold the election and that the election was held at that place by the judges and clerks duly appointed. *People v. Becker* (1913), 179 Ill. App. 446, 449.

**Information in register.** The giving at any election of information contained in a register is a misdemeanor punishable by three to twelve months' county jail imprisonment. (Hurd's Stat. 1919, ch. 46, par. 228.)

ing any certificates of election, subjects the offender to \$500 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 92.)

Wilfully making a false canvass of the votes or taking any part therein by any judge of election, member of the board of canvassers, messenger, poll clerk or other officer is a felony punishable by imprisonment in the penitentiary for five to ten years. (Hurd's Stat. 1919, ch. 46, par. 259.)

**False certificate.** Fraud, corruption or misbehavior in issuing certificate of election subjects offender to \$500 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 92.)

Altering, defacing, injuring, destroying or concealing a certificate of election is a felony punishable by imprisonment in the penitentiary for two to five years. (Hurd's Stat. 1919, ch. 46, par. 271.)

Counseling, advising, inducing or attempting to induce any election officer to make or give a false certificate is a misdemeanor punishable by imprisonment in the county jail for not less than three nor more than twelve months. (Hurd's Stat. 1919, ch. 46, par. 256.)

**False document.** Counseling, advising, inducing or attempting to induce any election officer to make or give a false document is a misdemeanor punishable by imprisonment in the county jail for not less

than three nor more than twelve months. (Hurd's Stat. 1919, ch. 46, par. 256.)

**False endorsement.** Forging or falsifying initial endorsement on a ballot subjects offender to fine of \$100 to \$1,000, or to imprisonment in the penitentiary of one to five years, or to both fine and imprisonment. (Hurd's Stat. 1919, ch. 46, par. 318.)

**False poll list.** Wilfully keeping a false poll list or inserting therein any false statement, name, check, alteration or mark is a misdemeanor punishable by imprisonment in the county jail for three to twelve months. (Hurd's Stat. 1919, ch. 46, par. 257.)

**False registration,** see Fraudulent registration.

**False report.** Counseling, advising, inducing or attempting to induce any election officer to make or give a false report is a misdemeanor punishable by imprisonment in the county jail for not less than three nor more than twelve months. (Hurd's Stat. 1919, ch. 46, par. 256.)

**False return.** The making, signing, publishing or delivering of any false return of an election by a judge of election, member of board of canvassers, messenger, poll clerk, or other officer is a felony punishable by imprisonment in the penitentiary for not less than five nor more than ten years. (Hurd's Stat. 1919, ch. 46, par. 259.)

The wilful failure or neglect of a judge or clerk of election to make a true count and correct return

**Letter of withdrawal.** Making false or destroying letter of withdrawal, subjects offender to fine of \$100 to \$1,000, or to imprisonment from one to five years in the penitentiary, or both fine and imprisonment. (Hurd's Stat. 1919, ch. 46, par. 318.)

**Libel.** A person who becomes a candidate for elective office places his character in issue only so far as it respects his fitness and qualifications, giving every one an opportunity to freely comment on his conduct and actions, but this does not authorize or justify defamation of private character. *Ogren v. Rockford Star Printing Company* (1919), 288 Ill. 405.

**List of candidates.** Taking down or destroying prior to election posted list of candidates, subjects offender to fine of \$10 to \$100. (Hurd's Stat. 1919, ch. 46, pars. 136, 317.)

**List of voters.** Taking down or destroying prior to election posted list of voters, subjects offender to fine of \$10 to \$100. (Hurd's Stat. 1919, ch. 46, pars. 136, 317.)

**Lodging house statement or list, etc.** Neglect or failure of a landlord, keeper or manager of a lodging or boarding house, inn, hotel or tavern in a municipality under the City Election Law to make and file a written sworn statement of the roomers, boarders or guests is punishable by a minimum fine of twenty-five dollars and a maximum fine of one

hundred dollars. (Hurd's Stat. 1919, ch. 46, par. 193.)

**Majority consent.** Any judge of election who receives a vote or proceeds with a canvass of ballots or consents thereto, unless a majority of the judges of election in the precinct are present and concur, is guilty of a misdemeanor punishable by imprisonment in the county jail for thirty to sixty days, or by fine of one hundred to one thousand dollars, or both. (Hurd's Stat. 1919, ch. 46, par. 272.)

**Messenger.** Failure by deputized messenger to carry and deliver poll books, tally list or ballots at the place of canvassing within the time prescribed by law and with the seal unbroken, when wilful or negligent, subjects offender to \$500 fine, or six months' imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 90.)

**Misbehavior.** Misbehavior of a judge or clerk of election is a contempt of court and punishable as such under the City Election Law; which punishment is in addition to any other penalty. (Hurd's Stat. 1919, ch. 46, par. 182.)

**Miscounting of votes.** The wilful miscounting of ballots by a judge of election at a primary is a violation of a legal right and good ground for an action on the case for damages, although their precise nature and extent is incapable of ascertainment. *Hill v. Carr* (1914), 186 Ill. App. 515, 519.



**Moderator.** A moderator chosen at a township election is by express statute (Township Organization Act, art. 7, § 3) subject to the same penalties as are other judges of election. *Binger v. People* (1886), 21 Ill. App. 367, 369; S. C., 24 id. 310.

**Nominating petition.** Signing another's name to a nominating petition is perjury and punishable as such. (Hurd's Stat. 1919, ch. 46, par. 292.)

**Neglecting duty.** Any wilful neglect of duty imposed by the City Election Law or the General Election Laws upon judges of election, poll clerks, or other officers of registration, revision, election or canvass is a misdemeanor punishable by imprisonment in the county jail for three to twelve months. (Hurd's Stat. 1919, ch. 46, par. 261.)

**Perjury.** Wilful and corrupt swearing or affirming by a person when taking an oath or affirmation constitutes corrupt perjury and is punishable accordingly. (Hurd's Stat. 1919, ch. 46, par. 264.)

Wilful, corrupt and false swearing by witness or by person whose vote is challenged at a primary is punishable as perjury. (Hurd's Stat. 1919, ch. 46, par. 516.)

Wilfully swearing falsely to any affidavit required by the Military Service Absent Voters' Act amounts to perjury and is punishable accordingly. (Hurd's Stat. 1919, ch. 46, par. 581.)

Any person who swears falsely concerning his right to vote or concerning the right of another to

vote at a county seat election is guilty of a high misdemeanor punishable by confinement in the penitentiary for not less than one nor more than five years. (Hurd's Stat. 1919, ch. 34, par. 102.)

Knowingly, wilfully and corruptly swearing falsely to a statement appended to a petition for recall or removal of an officer under the commission form of government constitutes perjury and is punishable accordingly. (Hurd's Stat. 1919, ch. 24, par. 193 b 42.)

**Perjury, defenses.** If the facts constituting perjury are of an insufficient character to create a reasonable belief in their truth, it is no defense to a prosecution for perjury that they were believed to be true. *Johnson v. People* (1880), 94 Ill. 505, 514.

**Police protection.** Any police superintendent, captain, lieutenant or other person in authority who fails, on demand, to furnish police protection to canvassers is guilty of a misdemeanor and subject to a fine of not less than twenty-five nor more than one hundred dollars. (Hurd's Stat. 1919, ch. 46, par. 201.)

**Political discussion.** Any judge of election, poll clerk, challenger or person who engages in political discussion within a polling place is guilty of a misdemeanor punishable by imprisonment in the county jail for ten to ninety days, or by fine of one hundred to five hundred dollars, or both. (Hurd's Stat. 1919, ch. 46, par. 274.)

Poll list, see Poll book.

Perjury, see False swearing.

**Preventing registration.** Preventing, hindering or delaying any person from registering by force, threat, menace, intimidation, bribery, reward or other unlawful means is a misdemeanor punishable by imprisonment in the county jail for three to twelve months. (Hurd's Stat. 1919, ch. 46, par. 255.)

**Promise or pledge by candidates.** Except as to stating one's view, belief, opinion or position concerning a public question or issue, or as to announcing one's choice of candidates for an elective office, it is unlawful for a candidate in a primary or general election to promise, pledge, offer to pledge or agree with any person, corporation, association or other organization, directly or indirectly, or for a person, corporation, association or other organization to request, solicit, induce or otherwise secure or attempt to secure, directly or indirectly, from any such candidate, for and in consideration of a vote or votes or influence or support or assistance, financial or otherwise, that he will, if elected, perform or refrain from performing any official act to or for the benefit or advantage of the promisee, or support or oppose any bill or measure pending before or to be presented to the General Assembly of this state, or the nomination, confirmation or election of any candidate for any office necessary to perfect the organization of the General Assembly of this

state, and subjects the offender to a penalty of from \$200 to \$1,000 fine or to sixty days' imprisonment in the county jail, or both; and if elected, the candidate in addition to such fine and imprisonment forfeits all right and claim to hold such office. (Hurd's Stat. 1919, ch. 38, pars. 592, 594.)

**Promise by candidate.** A candidate who promises money or other valuable thing or an appointment in the event of his nomination or election, in consideration that a person perform services in the interest of such candidate, is punishable by not to exceed \$300 fine or by not to exceed thirty days' imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 24, par. 193 b 20.)

**Recall provisions.** Wilful violation of, or culpable negligence with respect to, any of the recall provisions of the Commission Form of Government Act is punishable by not more than \$200 fine or not exceeding six months' imprisonment in the county jail, or both, as well as removal from office. (Hurd's Stat. 1919, ch. 24, par. 193 b 42.)

**Refusing ballot.** The wilful exclusion of a vote tendered by a qualified elector is a misdemeanor punishable by imprisonment in the county jail for three to twelve months. (Hurd's Stat. 1919, ch. 46, par. 258.)

Before judges of election can be held under subdivision 5, § 86 of the General Election Law for refusing permission to vote, the elector challenged

must have actually made and presented the statutory affidavits and demanded a ballot for the purpose of voting; a mere refusal of permission to vote in the absence of the statutory affidavits is no violation of the statute; nor can judges of election waive the right to make the affidavits. *Sharp v. People* (1883), 14 Ill. App. 224, 228.

Judges of election are not liable to a penalty for refusing permission to vote to a person who makes an affidavit as to his qualifications but fails to offer a supporting affidavit. *Byler v. Asher* (1868), 47 Ill. 101, 105.

**Refusing ballot, defenses.** The validity of a school election cannot be questioned in an action against judges of election for refusing permission to vote. *Bernier v. Russell* (1878), 89 Ill. 60.

**Refusing to serve.** Refusal to appear for examination or to serve under the City Election Law as judge or clerk of election, unless not qualified, subjects the offender to a fine of \$100 to \$300, recoverable in an action by the election commissioners under their corporate name and when collected the penalty is paid into the county treasury. (Hurd's Stat. 1919, ch. 46, pars. 179, 180.)

**Removing or ejecting election officer.** Molesting, interfering with, removing or ejecting from any place of registration, election, canvassing ballots, making of returns or certificates, of a judge of election, poll clerk, challenger or watcher is a misde-

meanor punishable by imprisonment in the county jail for six to twelve months, or by five hundred to two thousand dollars' fine, or both. (Hurd's Stat. 1919, ch. 46, par. 270.)

**Removing judge or clerk.** Election commissioners who wilfully and without cause remove an election judge or clerk are guilty of a misdemeanor and may be removed from office. (Hurd's Stat. 1919, ch. 46, par. 182.)

**Repeating.** Voting or offering to vote more than once at a primary or an election subjects the offender to \$1,000 fine or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, pars. 81, 517.)

Voting more than once for any candidate for the same office, or voting in more than one election precinct, or attempting to so vote, is a misdemeanor punishable by imprisonment in the county jail for not less than three nor more than twelve months. (Hurd's Stat. 1919, ch. 46, par. 256.)

A person who votes more than once at a county seat election is guilty of a high misdemeanor punishable by confinement in the penitentiary for not less than one nor more than five years. (Hurd's Stat. 1919, ch. 34, par. 102.)

**Saloon.** Keeping open upon any general or special election day within one mile of polling place saloon or bar-room, subjects offender to fine of \$25 to \$100. (Hurd's Stat. 1919, ch. 46, par. 79.)

**Saloons, closing, primary.** During the holding of a primary no saloon or barroom or place where liquor is sold or given away can be open, under penalty of not less than twenty-five nor more than one hundred dollars. (Hurd's Stat. 1919, ch. 46, par. 515.)

**School district election.** Any person who violates any of the provisions relating to an election in a school district having a population of not less than 1,000 nor more than 100,000 inhabitants is guilty of a misdemeanor punishable by not to exceed six months' imprisonment in the county jail. (Hurd's Stat. 1919, ch. 122, par. 126.)

**Signatures to nominating petitions.** Forging the name of a signer upon a nominating petition constitutes forgery and is punishable as such. (Hurd's Stat. 1919, ch. 46, par. 479.)

**Specimen ballot.** Defacing, tearing down, removing or destroying during election posted specimen ballot, subjects the offender to fine of \$10 to \$100. (Hurd's Stat. 1919, ch. 46, pars. 136, 317.)

**Stealing election documents, etc.** Taking or carrying away from place of deposit, defacing, mutilating or changing wrongfully and wilfully poll book, ballot or tally list, or any name or figure thereon, subjects offender to \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 93.)

Stealing, wilfully destroying, mutilating, defacing, falsifying, or fraudulently removing or secreting the whole or any part of a record, register, copy thereof, oath, return or statement of votes, certificate, poll list, or any paper, document, or vote of any description, by a judge of election, poll clerk or other officer or person having its custody, or permitting the same to be done, is a felony punishable by imprisonment in the penitentiary for one to ten years. (Hurd's Stat. 1919, ch. 46, par. 262.)

Stealing, wilfully and wrongfully breaking, destroying, mutilating, defacing, falsifying, or unlawfully moving or secreting or detaining the whole or any part of any primary ballot box, or any record, primary poll book, tally sheet, or copy thereof, oath, returns, or any other paper or document, or fraudulently making an entry, erasure or alteration therein, except when permitted by law, or permitting any other person so to do is punishable by \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 528.)

Wrongfully taking, carrying away, defacing, mutilating or changing any primary poll book, tally sheet or ballot, or any name or figure therein, is punishable by \$1,000 fine, or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 527.)

Stealing or counseling or assisting to steal, returns, tallies or ballots relating to the adoption of the City Election Law by a judge or clerk of elec-



tion, subjects the offender to between five and ten years' imprisonment in the penitentiary. (Hurd's Stat. 1919, ch. 46, par. 166.)

**Subordination of perjury.** Wilfully and corruptly instigating, advising, inducing or procuring a person to swear or affirm falsely is subordination of perjury, punishable as in case of wilful and corrupt perjury. (Hurd's Stat. 1919, ch. 46, par. 265.)

**Substituting or altering ballot.** Fraudulently substituting or altering a ballot taken from the ballot box by an election officer or other person during or before the canvass is a felony punishable by imprisonment in the penitentiary for one to five years. (Hurd's Stat. 1919, ch. 46, par. 260.)

The fraudulent substitution of one ballot for another is a felony punishable by imprisonment in the penitentiary for one to five years if committed by a person other than an election officer, and for two to five years if committed by an election officer. (Hurd's Stat. 1919, ch. 46, par. 266.)

Substituting spurious or counterfeit ballot or making, using or circulating paper printed in imitation of the official ballot, subjects offender to fine of \$100 to \$1,000, or to imprisonment in the penitentiary for one to five years, or to both fine and imprisonment. (Hurd's Stat. 1919, ch. 46, par. 318.)

**Supplies or conveniences.** Removing or destroying during election supplies or conveniences furnished to enable voters to prepare their ballots, sub-

jects offender to fine of \$10 to \$100. (Hurd's Stat. 1919, ch. 46, pars. 136, 317.)

**Tabulated statement, fraud in making.** The fraudulent or corrupt making of a tabulated statement of the canvassed returns is punishable by five hundred dollars' fine or one year's imprisonment in the county jail, or both. (Hurd's Stat. 1919, ch. 46, par. 526.)

**Tardy at polls.** In cities under election commissioners, a judge or clerk of election who, without good cause, fails to appear at the polls for fifteen minutes after their opening is guilty of a misdemeanor and punishable accordingly. (Hurd's Stat. 1919, ch. 46, par. 229.)

**Uncounted ballot.** Altering, defacing, injuring, destroying or concealing an uncounted ballot voted at an election is a felony punishable by imprisonment in the penitentiary for two to five years. (Hurd's Stat. 1919, ch. 46, par. 271.)

**Unpardoned convicts.** Voting or offering to vote at an election by a person who has been convicted of bribery, felony or other infamous crime and who has not received his pardon is a felony punishable by imprisonment in the penitentiary for two to five years. (Hurd's Stat. 1919, ch. 46, par. 267.)

**Verifying statement to nominating petition.** Knowingly, wilfully and corruptly swearing falsely to a verifying statement of a nominating petition is perjury. (Hurd's Stat. 1919, ch. 46, par. 479.)

**Voting machines, tampering with.** Persons who are not election or other public officers who tamper or attempt to tamper with a voting machine or who in any way intentionally impair or attempt to impair its use, or who attempt any dishonest practice upon it or with or by its use are punishable by fine of \$100 to \$1,000 or by one to five years' imprisonment, or both. (Hurd's Stat. 1919, ch. 46, par. 448.)

**Warrant.** In case of riot or disorder during an election, constables may call to their aid a sufficient number of citizens and may arrest without warrant. (Hurd's Stat. 1919, ch. 46, par. 45.)

Officers present at a polling place are required to obey the order of the judges of election and are protected in making arrests by direction of any judge as if warrants had been issued for such arrest. (Hurd's Stat. 1919, ch. 46, par. 236.)

In executing a warrant issued upon a complaint charging the barricading or obstructing from public view of a ballot box on the day of election, the officer may call any person to his assistance. (Hurd's Stat. 1919, ch. 46, par. 231.)

An officer may make an arrest at a session of the election commissioners by their direction without a warrant. (Hurd's Stat. 1919, ch. 46, par. 280.)

#### OFFICIAL BALLOT,

**Adoption of act, when not separate question.** The establishment and maintenance of a public institu-

tion and the levy of an annual tax therefor are not separate propositions, but may be included in one act and submitted for adoption as a single question. *People v. Chicago, Burlington and Quincy Railroad Co.* (1920), 291 Ill. 502, 509.

**Annexation of village, submission.** A ballot for the submission of the question of annexation of a village must conform to the requirements of the Annexation Act and not to the Ballot Law. *East Springfield v. Springfield* (1909), 238 Ill. 534, 543.

**Ballot, contents.** The official ballot is of plain white paper with separate columns for each political party or group of petitioners. The party appellation or title is printed in capital letters of not less than one-quarter of an inch in height following a circle of one-half inch in diameter. The lists of candidates of the several political parties and groups of petitioners furnished by the secretary of state are placed in the proper column on the ballot in the order certified; all other candidates appear in the proper column in the order the authorities who have charge of the printing of the ballots may determine. Above the name of each candidate or group of candidates is printed the name of the office. The names of candidates are printed in capital letters of not less than one-eighth or more than one-fourth of an inch in height, each name being preceded by a square of not less than one-quarter of an inch in length.

In case of representative in the General Assembly, no number of votes should be printed after the name of the candidate.

On the back of the ballot, the words "Official ballot" appear, followed by the designation of the polling place, the date of the election and a fac simile of the signature of the clerk or other officer who has caused the ballots to be printed. (Hurd's Stat. 1919, ch. 46, pars. 301, 304.)

**Ballot label, requirements.** The ballot label is printed in black ink on clear white material of a size that will fit the voting machine and in plain, clear type, as large as the space will reasonably permit, prefixing to the list of candidates of a party the party name or other designation. The order of candidates is arranged as it appears on any other ballot, except that the list may be placed in horizontal rows or vertical columns, dividing the parties into parallel and contiguous rows or columns, if desired, and placing the words "Presidential Electors" under the name of each political party where the presidential electors are to be voted for at any election and the machine will not carry the names of all candidates for such electors. (Hurd's Stat. 1919, ch. 46, par. 440.)

**Banking Act, adoption.** In submitting an amendment to the Banking Act, it is neither necessary nor

proper to print on the ballot a statement of the substance of the amendment or the amendment itself. *People v. La Salle Street Trust and Savings Bank* (1915), 269 Ill. 518, 525.

**Candidate's name omitted.** The omission of a candidate's name from the official ballot cannot be corrected by having a judge of election write in such name on each official ballot. *Rexroth v. Schein* (1903), 206 Ill. 80, 98.

**City Election Law adoption, form.** In preparing and printing a ballot for the adoption of the City Election Law, the names of candidates should appear first, followed by the submission for adoption; no other ticket or ballot is required or permissible.

As to the proposition, the ballot may be substantially as follows:

For City Election Law	
Against City Election Law	

(Hurd's Stat. 1919, ch. 46, pars. 157, 158.)

**Note.** This section (Hurd's Stat. 1917, ch. 46, par. 158) controls the method of submission of the question of adoption of the City Election Law, notwithstanding the existence of a different and general method provided for similar measures by §16 of the Australian Ballot Law.

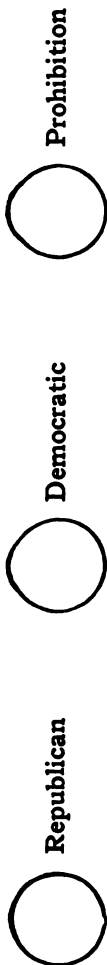
**County seat election.** The official ballot for a county seat election may be written or printed with the words "For removal" or "Against removal." (Hurd's Stat. 1919, ch. 34, par. 100.)

**High schools, establishment.** The question of establishing a high school can be submitted only under the School Law. *People v. Cowden* (1896), 160 Ill. 557, 558.

**Form of ballot, preparation.** In the absence of a statutory form of ballot submitting a proposition, the election officers must prepare and furnish ballots that will enable an elector to vote understandingly; and if no such ballot is furnished the voter, he may prepare one. *People v. Sullivan* (1910), 247 Ill. 176, 181.

Preceding a proposition by the words "For or Against" and following with the words "Yes" and "No" in double squares is an ambiguous and uncertain way of submission. *People v. Sullivan*, *ibid.*, p. 178.

**Form of ballot.** As near as practicable, a ballot is in the following form:



Republican

Democratic

Prohibition

For Governor

For Governor

For Governor

JOSEPH W. FIFER

DAVID H. HARTS

For Lieutenant Governor

For Lieutenant Governor

For Lieutenant Governor

LYMAN B. RAY

JOS. L. WHITLOCK

For Secretary of State

For Secretary of State

For Secretary of State

I. N. PEARSON

JAMES R. HANNA



**Grouping of candidates.** The manner and position in which the name of a candidate has been grouped on the official primary ballot, if not objected to before election, is binding upon him, although the election shows the candidate to have received more votes than another candidate under a different group for the same office. *People v. Czarnecki* (1912), 256 Ill. 567, 571.

**Hard roads.** In an election for town officers at which a proposition for the building of a particular hard road is to be submitted, it is permissible to use a separate ballot for its submission, stating the proposition in the affirmative as well as negative and describing the road precisely as in the petition. *People v. Myers* (1912), 256 Ill. 529, 531.

**Hard road tax.** A ballot which submits a proposition for a hard road tax must specify the same kind of hard road as is described in the petition and notice. *People v. Kankakee and Seneca Railroad Co.* (1911), 248 Ill. 114, 117.

**Judicial ticket.** In cities of more than 200,000 inhabitants, candidates for judges of all courts of record are placed upon a separate and independent ballot entitled "Judicial Ticket." (Hurd's Stat. 1919, ch. 46, par. 301a.)

**Mayor and commissioner, official ballot, requirements.** Names of candidates for mayor and commissioners under the commission form of govern-

ment are arranged alphabetically on the official ballot for a general or special municipal election, in the same manner as for a primary, with no party, platform or principle designation or appellation or marks whatever, nor any circle printed thereon at the head of the ballot. The ballots are authenticated and attested on the back in the same manner and form as other ballots.

In case of recall proceedings, unless the officer sought to be recalled has resigned, his name is placed upon the official ballot without nomination. (Hurd's Stat. 1919, ch. 24, pars. 193 b 19, 193 b 44.)

**Mayor and commissioners, form.**

OFFICIAL BALLOT.

CANDIDATES FOR THE ELECTION FOR  
MAYOR AND COMMISSIONERS OF THE  
CITY (OR VILLAGE) OF.....  
AT THE GENERAL (OR SPECIAL) MUNICI-  
PAL ELECTION.

FOR MAYOR.

(Vote for one.)

JOHN JONES.

JAMES SMITH.

## OFFICIAL BALLOT.

## FOR COMMISSIONERS.

(Vote for four.)

- WILLIAM BURKE.
- GEORGE MILLER.
- THOMAS WILLIAMS.
- EDWARD STUART.
- ROBERT BUCK.
- HARRY BROWN.
- JOSEPH TROUT.
- ARTHUR ROBBINS.

(Hurd's Stat. 1919, ch. 24, par. 193 b 19.)

**Mayor and commissioners, primary ballot, form.**

## OFFICIAL PRIMARY BALLOT.

CANDIDATES FOR NOMINATION FOR  
MAYOR AND COMMISSIONERS OF THE  
CITY (OR VILLAGE) OF.....  
AT THE PRIMARY ELECTION.

## FOR MAYOR.

(Vote for one.)

- JOHN JONES.
- JAMES SMITH.
- HENRY WHITE.
- RALPH WILSON.

## FOR COMMISSIONERS.

(Vote for four.)

- WILLIAM BURKE.
- GEORGE MILLER.
- THOMAS WILLIAMS.
- EDWARD STUART.
- ROBERT BUCK.
- HARRY BROWN.
- JOSEPH TROUT.
- ARTHUR ROBBINS.

(Hurd's Stat. 1919, ch. 24, par. 193 b 14.)

**Mayor and commissioners, primary ballot, publication.** Immediately upon the expiration of the time of filing the petition and statement of candidacy for mayor and commissioner, the city or village clerk or board of election commissioners publish a fac-simile primary ballot for three successive days in a daily newspaper or in two issues of any other newspaper in case there is no daily newspaper in the city, or in the nearest newspaper in the county or in the state if there be no daily or other newspaper in the city. (Hurd's Stat. 1919, ch. 24, par. 193 b 14.)

**Mayor and commissioners, primary ballot, requirements.** On a primary ballot for mayor and commissioners the names of candidates for mayor appear alphabetically and so do the names of can-

didates for commissioners, with a square at the left of each name and with the words "Vote for one" immediately above the names of candidates for mayor, and the words "Vote for four" immediately above the names of candidates for commissioners. The head of the ballot must contain no party, platform, principle, policy or mark whatever, nor can there appear any circle. The ballots are authenticated, attested on the back and printed in the same manner and within the same time as in the case of general municipal elections. (Hurd's Stat. 1919, ch. 24, par. 193 b 14.)

Names of new candidates, see Vacancies.

**Name under different party appellations.** A candidate who has been nominated at a primary by two or more political parties, must elect under which party appellation he prefers his name to appear, as his name can appear only once upon the official ballot. *People v. Czarnecki* (1915), 266 Ill. 372, 380. *People v. Czarnecki* (1912), 256 Ill. 320, 323; Hurd's Stat. 1919, ch. 46, par. 292.

New candidates, see Names, etc.

**Non-high school board.** In an election for member of a non-high school board of education, the names of candidates are printed on the ballot in the order in which the petitions are filed. (Hurd's Stat. 1919, ch. 122, par. 93.)

**Numbering, validity.** The numbering of ballots is unconstitutional. *Hodge v. Linn* (1881), 100 Ill. 397, 402; commented but not decided.

**Park district election.** Separate ballots must be provided for and used in an election of park commissioners in a park district organized under the Park Districts and the Transfer of Submerged Lands Act. (Hurd's Stat. 1919, ch. 105, par. 170.)

Pasters, see Vacancies.

Preserving ballots, see Canvassing votes, Canvassing at election.

**Primary ballot, endorsement.** The words "Primary ballot" followed by the name of the precinct, the date of the primary and a fac simile signature of the clerk who furnished the ballot should appear on the back. (Hurd's Stat. 1919, ch. 46, par. 487.)

**Primary ballot, requirements.** The primary ballot of each political party is printed in a different color or tint upon paper of uniform quality, texture and size and is arranged as follows:

At the top of the ballot in large capital letters appear the words "Republican (Democratic or other political party name) Primary Ballot."

One inch below designating words, in capital letters, the name of each office with directions below "Vote for one," "Vote for two," "Vote for three," is printed in the following order: President of the United States, state offices, congressional offices, judicial offices, clerk of the appellate court, members of the state central committee, trustees of sanitary districts, county offices, city and village offices, town offices, or such other offices as candi-

dates are to be nominated for at the primary, and precinct or ward committeemen.

Below the name of each office uniformly and sufficiently separated in a column with a square of uniform size opposite each name, in capital letters, the names of all candidates are arranged in the order in which their petitions were filed or certified. Below the name of delegate or alternate delegate to national nominating conventions are printed the names of candidates for President and Vice President of the United States if a preference has been expressed or the words "No preference" if no preference has been declared.

In cities or incorporated villages other than those having a population of 200,000 or more inhabitants, at the bottom of the ballot, under the heading of "For precinct committeeman," a sufficient space is left for writing in a name expressing the choice of the elector. (Hurd's Stat. 1919, ch. 46, pars. 434, 482, 484, 485, 486, 487.)

Printing, see Election supplies.

**Public policy questions, petition, signers, filing.** Public policy questions are petitioned for submission by a written petition signed by twenty-five per cent of the registered voters of an incorporated town, village, city, township, county or school district, as the case may be; or ten per cent of the registered voters of the state; which petition must designate at which election the proposition is to be submitted and must be filed with the proper elec-

tion officers not less than sixty days before the date of election. (Hurd's Stat. 1919, ch. 46, par. 428.)

**Public school, establishment.** The establishment of a public school is separate and distinct from the building of a school house and does not require its submission to a vote of the people. *School Directors v. People* (1900), 186 Ill. 331, 334.

**Proposition, manner of placing.** The form of ballot specifically prescribed by the statute requiring the submission must be followed, notwithstanding the existence of a general provision that would apply but for such special method. *People v. La Salle Street Trust and Savings Bank* (1915), 269 Ill. 518, 526; *Swigart v. City of Chicago* (1906), 223 Ill. 371.

The statutory manner of placing a proposition upon the official ballot is a matter of substance and if disregarded invalidates the election. *Harvey v. Cook County* (1906), 221 Ill. 76, 83.

In submitting a question, it must be so clearly and unmistakably worded that a voter may vote for or against a single proposition. *O'Connor v. Evanston High School District* (1919), 288 Ill. 240, 247.

Explanatory words, if any, must not be such as give information or reasons that will influence a voter, but they should be of a nature only to aid him to understand the meaning of his vote. Thus a ballot which submitted a bond issue for the purchase or construction of a municipal electric light-



ing plant invalidated the election because it contained the statement "If you favor municipal ownership vote yes. If you oppose municipal ownership vote no." *O'Beirne v. City of Elgin* (1914), 187 Ill. App. 581, 584, 586.

The form of ballot should be, For (stating the proposition) and Against (repeating the proposition), with a square opposite each statement. *Harvey v. Cook County* (1906), 221 Ill. 76, 84.

Preceding a proposition with the word "For" followed by two squares, one containing the word "Yes" and repeating the proposition preceded by the word "Against" and followed by two squares, one containing the word "No," affords the voter no opportunity to vote against the proposition and invalidates the election. *People v. Worley* (1913), 260 Ill. 536, 539; *Harvey v. Cook County* (1906), 221 Ill. 76, 84.

A ballot submitting a proposition in the affirmative alone does not comply with a statute requiring the submission of a question to a vote of the people. *People v. Snedeker* (1918), 282 Ill. 425, 429.

Several propositions or questions submitted at a single election should all be placed on one separate ballot from that containing the names of candidates. *People v. Elledge* (1917), 281 Ill. 592.

**Proposition, submission.** It is the duty of the proper election officers to submit a public policy

proposition or measure whenever a valid petition has been filed with them for its submission, and the propositions are no more than three.

In case more than three propositions on questions of public policy are petitioned for, the date of their filing determines which one of them are to be selected for submission to the number of three, rejecting all of the others. (Hurd's Stat. 1919, ch. 46, par. 428.)

In placing on the ballot a proposition which has been presented to an officer for submission under a particular statute, the officer cannot go beyond a prima facie compliance with the statute. *People v. Dillon* (1915), 266 Ill. 272, 276.

The clerk or election commissioners with whom a petition for the submission of a proposition is filed have no power to go beyond what appears on the face of the petition and determine whether the parties who signed it are legal voters, whether they signed in their proper persons, whether the statement at the bottom of each sheet was made by an authorized person, or whether the petition was sworn to before an authorized officer. *People v. Lueders* (1919), 287 Ill. 107, 113, 115.

Public measure, see Proposition.

**Representative in the General Assembly.** The names of candidates for representative in the Gen-

eral Assembly must be printed on the ballot without any number of votes after them. (Hurd's Stat. 1919, ch. 46, par. 304.)

**Rotation of candidates.** The names of candidates for state offices alone are by the Primary Act required to rotate on the ballot. (1917-18 Atty. Gen. Rep. 339.)

**School building, erection.** In submitting the question of whether a new school house shall be erected, section 119 of the School Law (formerly section 31, article V of the School Law of 1889) does not require that the proposition shall also state the contemplated cost of the building. *People v. Chicago and Northwestern Railway Co.* (1900), 186 Ill. 139, 141.

**Separate ballot, contents.** Public measures or constitutional amendments are printed on a separate ballot, in one paragraph stating the proposed amendment or measure, followed by "Yes" and a blank space for a cross, and in another paragraph giving the substance of such amendment or measure followed by "No" and a blank space for a cross; which ballot is of sufficient size to permit, when once folded, printing on the back of the words "Ballot for constitutional amendment" or other public measure. (Hurd's Stat. 1919, ch. 46, par. 303.)

**Separate ballot, form.** A separate ballot is in the following form :

Proposed amendment to the Constitution (or other measure).....	Yes	X
Here print the substance of the amendment (or other measure).....	No	

(Hurd's Stat. 1919, ch. 46, par. 303.)

**Special election.** A separate ballot in case of a special election is not necessary when the special and the general election are held at the same time. (1919-20 Atty. Gen. Rep. 908.)

**Special elections, requirements.** A special election ballot is invalid unless on its back appear the words "Official ballot," the proper polling place, the date of the election and a fac simile of the officer's signature who caused the ballot to be printed. *People v. Snedeker* (1918), 282 Ill. 425, 429.

**Statement and suggestions, approval.** The attorney general approves only statements and suggestions that relate to constitutional amendments and laws made operative when adopted by vote of the people. (1919-20 Atty. Gen. Rep. 533.)

**Statement and suggestions in case of public measure, requirements.** The statement accompanying a public measure or constitutional amendment sets forth in detail the section or sections of the Constitution or law sought to be amended or passed and

makes such suggestions as are necessary for their proper understanding; which statement and suggestions must be approved by the attorney general. (Hurd's Stat. 1919, ch. 7a, par. 9.)

**Tax levy in excess of constitutional limit.** Section 27 of the Counties Act (Hurd's Stat. 1919, ch. 34, par. 1-41), requiring the entry of an order for the submission to a vote of the people on the question of levying a tax in excess of the constitutional limit applies to tax levies for county purposes alone under a submission by the county board; it does not apply to a tax permitted to be levied in excess of the constitutional limit under a separate and complete act upon a submission of the question to a vote of the people by another authority than the county board. *People v. Chicago, Burlington and Quincy Railroad Co.* (1920), 291 Ill. 592, 505.

**Torrence Land Act, adoption.** No separate ballot can be used in submitting the question of adoption of the Torrence Land Act. *Harvey v. Cook County* (1906), 221 Ill. 76, 82.

- **Village organization.** The question of organization of a village is submitted by a ballot stating the proposition in an affirmative and negative form, namely, "For village organization under the General Law; Against village organization under the General Law."

A ballot upon which are written the words "Against corporation," cannot be counted either for

or against village organization. *People v. Hanson* (1894), 150 Ill. 122, 125.

**Township high school.** In submitting the question of establishing a township high school, no statutory form of ballot is provided, but the election officers must prepare and furnish a form of ballot that would enable the voters to vote understandingly; and in case an improper ballot is provided, the electors may prepare their own ballots. *People v. Sullivan* (1910), 247 Ill. 176, 181.

**Township high school board.** In an election for member of the township high school board of education, the names of the candidates are printed in the order in which nominating petitions are filed. (*Hurd's Stat.* 1919, ch. 122, par. 86.)

**Vacancies.** New official ballots, whenever practicable, may be printed to include names certified to supply a vacancy; if not practicable, the name may be placed by the judges of election upon the ballot by affixing a paster, by writing or by stamping it on the ballot. (*Hurd's Stat.* 1919, ch. 46, pars. 298, 299; 1917-18 *Atty. Gen. Rep.* 277-8.)

Vacancy, filling, see *Convention*.

**Voting machines, submission of question.** Upon a proper petition having been presented to election officers for the submission of the question of adopting a voting machine, it is their duty to submit the proposition at the proper election. (*Hurd's Stat.* 1919, ch. 46, par. 430.)

**War ballots, contents.** Only the names of the candidates for state offices and proposed amendments to the Constitution or other propositions to be submitted to the voters of the entire state can be placed upon official war ballots. (Hurd's Stat. 1919, ch. 46, par. 572.)

### OFFICIAL BOND,

**Approval, majority.** A majority of those voting for approval and not those merely present is necessary to the approval of an official bond. Launtz v. People (1885), 113 Ill. 137, 144.

**Attorney general.** Before assuming office the attorney general gives bond in the sum of \$10,000, payable to the people of the state for the benefit of parties injured by breach of the bond, conditioned upon the faithful discharge of his duties and for the payment of all moneys belonging to the state, with good and sufficient security approved by the Governor and filed with the secretary of state. (Hurd's Stat. 1919, ch. 14, par. 1.)

**Auditor of public accounts.** Before entering upon his duties the auditor of public accounts elect gives a \$50,000 bond, payable to the people of the state, conditioned for the faithful discharge of his duties and for the delivery to his successor of all papers, books, records and other property appertaining to his office, whole, safe and undefaced and that he will give additional bond when legally required,

with two or more sureties approved by the Governor and two justices of the Supreme Court; which bond is filed with the secretary of state. (Hurd's Stat. 1919, ch. 15, par. 1.)

**Civil administrative officers.** Before entering upon his duties, every executive or administrative officer appointed under the Civil Administrative Code gives a bond in a sum fixed by the Governor not to exceed \$10,000, conditioned upon the faithful performance of the duties of the office, with security approved by the Governor, and filed with the secretary of state. (Hurd's Stat. 1919, ch. 241½, par. 15.)

**Clerks of certain courts.** A person elected clerk of either the Supreme Court, the circuit court, the superior court of Cook County, the criminal court of Cook County or the county court, before entering upon his official duties is required to execute a bond with one or more sureties in a sum not less than \$5,000 fixed by the judge or judges of the court, payable to the people of the state, conditioned for the faithful performance of the official duties, the paying over to the proper parties of all moneys received by virtue of the office, and for the delivery of "all moneys, papers, books, records and other things appertaining to his office, whole, safe and undefaced when lawfully required," and approved in case of the clerk of the Supreme Court, the superior or criminal court of Cook County, by any two of their judges, in other cases by a judge of the



court of which the obligor was elected clerk. (Hurd's Stat. 1919, ch. 25, par. 4.)

In case of probate clerk, the statute requires two or more sureties, but otherwise the bond is substantially the same. (Hurd's Stat. 1919, ch. 37, par. 229.)

**Coroner, filing.** A person elected or appointed coroner must, within twenty days of his election or appointment, give bond with two or more sureties, in Cook county in the sum of \$15,000, in other counties in the sum of \$5,000, conditioned upon the faithful discharge of all the duties required or to be required of him by law as coroner or sheriff, approved by the county judge and filed in the office of the county clerk. (Hurd's Stat. 1919, ch. 31, pars. 2, 4.)

**County assessor.** Before entering upon the duties of assessor, the county treasurer enters into bond in a sum not less than \$2,000 as determined by the county board, payable to the people of the state, conditioned upon diligent, faithful and impartial performance of his duties, with two or more sureties approved by the president or chairman of said board; which bond is filed and recorded in the office of the county clerk. (Hurd's Stat. 1919, ch. 120, par. 298.)

**County collector.** Before entering upon the duties as county collector, the county treasurer, in addition to his bond as treasurer, or the sheriff

gives annually a bond in a sum as determined by the county board and for at least double the amount of state taxes to be collected in the year next thereafter, with two or more residents and owners of real estate located within the state as sureties approved by the county board or the chairman of the county board, the county judge and the county clerk in a form as follows:

Know all men by these presents, that we, A B, collector, and C D and E F, securities, all of the county of.....and state of Illinois, are held and firmly bound unto the people of the state of Illinois, in the penal sum of.....dollars, for the payment of which, well and truly to be made, we bind ourselves, each of us, our heirs, executors and administrators, firmly by these presents.

Signed and sealed, this..... day of .....19.....

The condition of the foregoing bond is such that if the above bound A B shall perform all the duties required to be performed by him as collector of the taxes for the year 19...., in the county of....., in the state of Illinois, in the time and manner prescribed by law, and when he shall be succeeded in office, shall surrender and deliver over to his successor in office all books, papers and moneys appertaining to his said office, then the foregoing bond to be void; otherwise to remain in full force.

A B, [SEAL]  
 C D, [SEAL]  
 E F, [SEAL]

Which bond is recorded on the records of the county board and filed in the office of the county auditor. (Hurd's Stat. 1919, ch. 120, pars. 145, 146, 147, 148.)

**County officers, holdover.** Within thirty days after the expiration of the term of office, county officers who continue in office must execute a new bond for the same amount, like security and conditioned as the original bond. (Hurd's Stat. 1919, ch. 103, par. 18.)

**County superintendent of schools.** A bond of not less than \$12,000, payable to the people of the state of Illinois, conditioned upon the faithful discharge of his duties, with two or more responsible freeholders as security approved by the county board or by the judge and clerk of the county court, must be given by a person elected county superintendent of schools before entering upon his duties; which bond is filed in the office of the county clerk and is substantially as follows:

State of Illinois, }  
 .....County. } ss.

Know all men by these presents: That we, A B, C D, and E F, are held and firmly bound, jointly and severally, unto the people of the state of Illinois, in the penal sum of.....dollars, to the payment of which we bind ourselves, our heirs, executors and administrators firmly by these presents.

In witness whereof we have hereunto set our hands and seals this.....day of .....19.....

The condition of this obligation is such that if A B, county superintendent of schools of the county aforesaid, shall faithfully discharge all the duties of his office, according to law, and shall deliver to his successor in office all moneys, books, papers and property in his hands as such county superintendent of schools, then this obligation to be void, otherwise to remain in full force and virtue.

A.....B.....[SEAL]

C.....D.....[SEAL]

E.....F.....[SEAL]

(Hurd's Stat. 1919, ch. 122, par. 6.)

**County treasurer.** Before entering upon the duties of his office, a person elected county treasurer executes a bond in precisely the same form as the one executed by the county clerk, substituting the word "treasurer" for "county clerk," which bond is filed with the county clerk on or before the first Monday of December after election. (Hurd's Stat. 1919, ch. 36, par. 2.)

**Election commissioners.** Previous to taking the oath of office, each commissioner must give an official bond in the sum of ten thousand dollars with two sureties, conditioned for the faithful and honest performance of his duties and the preservation of the property of his office, to be approved by

the county judge. (Hurd's Stat. 1919, ch. 46, par. 173.)

**Illinois commerce commissioner and assistant.** Before entering upon his duties, each commissioner gives bond in the sum of \$20,000 and every assistant commissioner executes bond in the sum of \$10,000, conditioned for the faithful performance of his duties, with security approved by the Governor. (Commerce Commission Law, 1921, sec. 4.)

**Justice of the peace.** Within twenty days after election, a justice of the peace is required to execute a bond, with two or more sureties, in a sum of not less than \$2,000 nor more more than \$10,000, payable to the people of the state of Illinois, conditioned that he will justly and fairly account for and pay over all moneys that may come to his hands under any judgment or otherwise by virtue of his office, and that he will well and truly perform every act and duty enjoined upon him by the laws of the state, to the best of his skill and ability, approved by and delivered to the county clerk. (Hurd's Stat. 1919, ch. 79, par. 9.)

**Librarian Supreme Court.** The Supreme Court Librarian, before entering upon his duties, executes a bond for \$5,000 conditioned for the due preservation of the books belonging to the library and the faithful performance of his duties; which bond is approved by two of the judges. (Hurd's Stat. 1919, ch. 37, par. 17.)

**Master in chancery.** Before entering upon his duties a master in chancery must give bond in a sum fixed by the court with approved security and file the bond with the clerk of the court making the appointment. (Hurd's Stat. 1919, ch. 90, par. 4; ch. 37, par. 248.)

**Municipal court bailiff.** A person elected bailiff of the municipal court of Chicago takes the same oath and executes the same form of bond as a sheriff. (Hurd's Stat. 1919, ch. 37, par. 279.)

**Notary public.** Previous to entering upon his duties, a person appointed as notary public gives a bond to the people of the state of Illinois in the sum of \$1,000, conditioned for the faithful discharge of his duties of his office, with sureties approved by the Governor. (Hurd's Stat. 1919, ch. 99, par. 4.)

**Oil inspector.** A person appointed oil inspector before entering upon his official duties gives bond to the people of the state, with one or more sureties approved by the county judge, mayor or president of the board of trustees, in a sum fixed by the county judge, city council or board of trustees, conditioned for the faithful discharge of the duties of his office. (Hurd's Stat. 1919, ch. 104, par. 2.)

**Public administrator.** Within sixty days after receiving commission, a person appointed public administrator executes a \$5,000 bond payable to the People of the State, with two or more sureties, approved by the County Court who may require ad-

ditional security in particular estates. (Hurd's Stat. 1919, ch. 3, par. 47.)

**Recorder.** Previous to assuming office, a person elected or appointed recorder in counties of less than 60,000 inhabitants gives a bond in the sum of \$10,000 and in counties of 60,000 or more inhabitants executes a bond for \$20,000, payable to the people of the state of Illinois, conditioned upon the faithful discharge of his duties and when lawfully required to deliver up all papers, books and records appertaining to his office, whole, safe and undamaged, with sufficient security approved by the judge and entered upon the records of the county court; which bond is filed in the office of the secretary of state. (Hurd's Stat. 1919, ch. 115, par. 2.)

**School treasurer.** Before assuming his duties, the school treasurer gives a bond, payable to the school trustees, for twice the amount of moneys and securities coming into his hands, which amount may be increased from time to time as occasion may require, conditioned upon the faithful discharge of his duties, with two or more freeholders as sureties approved by at least a majority of the trustees and delivered to the county superintendent of schools; which bond is in form as follows:

State of Illinois, }  
 .....County. } ss.

Know all men by these presents: That we, A B, C D and E F, are held and firmly bound, jointly

and severally, unto the board of trustees of township.....range.....in said county, in the penal sum of.....dollars, for the payment of which we bind ourselves, our heirs, executors and administrators firmly by these presents.

In witness whereof we have hereunto set our hands and seals this.....day of.....19..... The condition of this obligation is such that if A B, treasurer of township.....range..... in the county aforesaid, shall faithfully discharge the duties of his office, according to law, and shall deliver to his successor in office, after such successor shall have qualified by giving bond as provided by law, all moneys, books, papers, securities and property which shall come into his hands or control, as such township treasurer, from the date of his bond up to the time that his successor shall have qualified as township treasurer, by giving such bond as shall be required by law, then this obligation to be void; otherwise to remain in full force and virtue.

A.....B..... [SEAL]

C.....D..... [SEAL]

E.....F..... [SEAL]

Approved and accepted by :

G. H.,

I. J.,

K. L.,

Trustees.

(Hurd's Stat., 1919, ch. 122, par. 68.)



**Secretary of state.** Upon assuming office, the secretary of state gives a bond for \$100,000, payable to the people of the state, conditioned for the faithful discharge of his duties, for the delivery to his successor of all papers, books, records and other property appertaining to the office, whole, safe and undefaced, and for accounting and paying over to the state treasurer of all moneys that may be received as fees, with two or more sufficient sureties approved by the Governor, entered upon the records of the secretary of state's office and deposited in the office of the auditor of public accounts. (Hurd's Stat. 1919, ch. 124, par. 1.)

**Sheriff.** Before assuming office, a person elected sheriff gives bond in counties other than Cook for \$10,000, in Cook County for \$100,000, payable to the people of the state, conditioned that he will faithfully discharge his official duties, with two or more sureties approved in other than Cook County by the judge of the county court, in Cook County by the judges of the circuit court; which bond is entered at large upon the records of the county court and filed in the office of the county clerk. (Hurd's Stat. 1919, ch. 125, par. 2.)

**State's attorney.** Upon entering upon the duties of his office, a person elected state's attorney gives a \$5,000 bond; payable to the people of the state and for the benefit of the party injured by a breach of the bond, conditioned for the faithful discharge of his duties and for the paying over of all public

moneys, with good and sufficient securities approved by the county court, entered of record in the county court, forwarded to the county clerk and by him to the secretary of state for filing in his office. (Hurd's Stat. 1919, ch. 14, par. 1.)

**State treasurer.** Upon assuming office, the state treasurer gives bond for \$500,000, payable to the people of the state, conditioned for the faithful discharge of his duties and for delivery to his successor of all moneys, papers, books, records and other property appertaining to his office, whole, sale and undefaced, with two or more sufficient sureties approved by the Governor and two justices of the Supreme Court; which bond is filed in the office of the secretary of state. (Hurd's Stat. 1919, ch. 130, par. 1.)

**Superintendent of public instruction.** A bond in the sum of \$25,000, payable to the people of the state of Illinois, conditioned upon the faithful discharge of his duties, with securities approved by the Governor, is executed by a person elected superintendent of public instruction before he assumes office; which bond is deposited with the secretary of state. (Hurd's Stat. 1919, ch. 122, par. 2.)

**Supervisor.** Previous to entering upon his duties, a person elected supervisor gives bond to the town, in at least double the amount of moneys that may come into his hands, conditioned for the faithful discharge of his duties and that he will safely keep and pay over all money entrusted to his care, with

one or more sureties approved by the town clerk and filed in his office. (Hurd's Stat. 1919, ch. 139, par. 101.)

**Supervisor of assessments.** Upon assuming the duties of supervisor of assessments, the county treasurer enters into a bond, payable to the people of the state, in a sum not less than \$2,000 as determined by the county board, conditioned for the diligent, faithful and impartial performance of his duties, with two or more sureties approved by the said board; which bond is filed and recorded in the office of the county clerk. (Hurd's Stat. 1919, ch. 120, pars. 296, 298, as amended.)

**Township assessor.** In counties of less than 125,000 inhabitants, the township assessor before assuming his duties enters into a \$500 bond, payable to the people of the state, conditioned upon the diligent, faithful and impartial performance of his duties, with two or more sureties approved by the township supervisor; which bond is filed and recorded in the office of the county clerk. (Hurd's Stat. 1919, ch. 120, par. 298, as amended.)

**Township collector.** A bond given by a township or district collector is substantially the same as that of a county collector, except that the penal sum is fixed by statute at one and one-half times of the largest amount of taxes collected by him or his predecessor in any one year during the last preceding five years. (Hurd's Stat. 1919, ch. 120, par. 133, as amended.)

OFFICIAL OATH,

**Assessor, deputy assessor or supervisor of assessments.** Previous to entering upon the duties as assessor, deputy assessor or supervisor of assessments, the officer must take and subscribe an oath, as follows:

State of Illinois, }  
 .....County. } ss.

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the state of Illinois, and that I will faithfully discharge all the duties of the office of assessor, deputy assessor or supervisor of assessments (as the case may be) to the best of my ability; that I will without fear or favor appraise all the property in said county at its fair cash value, said value to be ascertained at what the property would bring at a voluntary sale in the due course of business and trade; and that I will assess said property when so appraised at one-half of its said cash value; that I will cause every person, company or corporation assessed to sign his, her or its assessment schedule; and I will administer to each and every person so signing said assessment schedule the oath thereon, and return said schedule so signed and file the same with the county clerk.

.....  
 Subscribed and sworn to before me this.....  
 day of.....19.....

-----  
 (Official Character)

(Hurd's Stat. 1919, ch. 120, pars. 297, 298 as amended.)

**Attorney general.** The attorney general elect before entering upon his duties takes the constitutional oath of office. (Hurd's Stat. 1919, ch. 14, par. 1.)

**Auditor of public accounts.** The auditor elect before assuming office, takes and subscribes the constitutional oath of office and files it with the secretary of state. (Hurd's Stat. 1919, ch. 15, par. 2.)

**Board of review.** A member of the board of review before entering upon his duties subscribes and takes an oath of office as follows:

State of Illinois, }  
 .....County. } ss.

I do most solemnly swear (or affirm) that I will, as a member of the board of review of assessments, faithfully perform all the duties of said office as required by law; that I will fairly and impartially review the assessment of all property as made; that I will correct any and all assessments which should be corrected; that I will raise said assessment or lower the same as justice may require; that I will do and perform all acts necessary to procure a full,

fair and impartial assessment of all property of every kind, nature and description.

.....  
 Subscribed and sworn to before me this.....  
 day of.....19.....

.....  
 (Official Character)

(Hurd's Stat. 1919, ch. 120, par. 327.)

**Civil administrative officers.** A person appointed under the Civil Administrative Code, before assuming office, takes and subscribes the constitutional oath of office. (Hurd's Stat. 1919, ch. 24½, par. 14.)

**Clerks of certain courts, filing.** A person elected clerk of the Supreme Court, the circuit court, the superior court of Cook County, the criminal court of Cook County and the county court before entering upon his official duties is required to take and subscribe to the general form of oath and file same with the secretary of state. (Hurd's Stat. 1919, ch. 25, par. 4.)

**Commissioner of deeds.** Before assuming his duties, a person appointed commissioner of deeds must take and subscribe an oath to well and faithfully execute and perform all the duties of commissioner under and by virtue of the laws of the state of Illinois. (Hurd's Stat. 1919, ch. 26, par. 2.)

**County civil service commissioner.** A person appointed civil service commissioner takes and sub-

scribes the constitutional oath of office before entering upon his duties. (Hurd's Stat. 1919, ch. 34, par. 62.)

**County collector.** Upon assuming the duties of county collector, the county treasurer or sheriff takes and subscribes the usual constitutional oath which is indorsed on the back of his official bond. (Hurd's Stat. 1919, ch. 120, par. 145.)

**County commissioner.** A person elected county commissioner, before assuming office takes and subscribes the general form of oath and files it with a county clerk. (Hurd's Stat. 1919, ch. 34, par. 42.)

**County superintendent of schools.** Before entering upon his duties, a county superintendent of schools must take and subscribe the constitutional oath of office. (Hurd's Stat. 1919, ch. 122, par. 6.)

**County surveyor.** Before entering upon the duties of his office, a county surveyor takes and subscribes and files in the office of the county clerk the constitutional oath of office. (Hurd's Stat. 1919, ch. 133, par. 1.)

**County treasurer.** Persons elected to the office of county treasurer, before assuming office take and subscribe the constitutional form of oath of office. (Hurd's Stat. 1919, ch. 36, par. 1.)

**Drainage commissioner.** Previous to entering upon the official duties, persons elected drainage commissioners in a drainage district organized un-

der the Farm Drainage Act take and subscribe an oath substantially as follows:

State of Illinois, }  
 .....County. } ss.

We,.....drainage commissioners of Drainage District No....., do solemnly swear (or affirm) that we will faithfully and impartially perform the duties required of us to the best of our understanding and judgment and make assessment of damages and benefits (or benefits, as the case may be), in favor of or against the land in said district, according to law.

.....  
 .....  
 .....

(Hurd's Stat. 1919, ch. 42, par. 89a.)

**Election commissioner and clerk.** Each election commissioner and the chief clerk file with the county clerk an oath, subscribed to before the county judge, in a form substantially as follows:

"I,....., do solemnly swear (or affirm) that I am a citizen of the United States, and have resided in the city of....., in the state of Illinois, for a period of ten years last past, and that I am a legal voter and householder in said city and state. That I will support the Constitution of the United States and of the state of Illinois, and the laws passed in pursuance thereof, to the best of my ability, and will faithfully and



honestly discharge the duties of the office (In case of chief clerk, end thus, 'of chief clerk under the direction of the election commissioners for said city.') of election commissioner for said city." (Hurd's Stat. 1919, ch. 46, pars. 173, 175.)

**General form.** Unless exempted by statute and except members of the General Assembly, all civil officers take and subscribe the following oath:

State of Illinois, }  
 .....County. } ss.

I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and the Constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of..... according to the best of my ability.

.....  
 (Const. 1870, art. 5, § 25.)

**Highway commissioner.** A person appointed or elected highway commissioner, within ten days of notice of election or appointment takes and subscribes the constitutional oath of office before some justice of the peace or the town clerk, and within eight days thereafter files the oath in the office of the town clerk. (Hurd's Stat. 1919, ch. 139, par. 85.)

**Illinois commerce commissioner and assistant.** Each commissioner and assistant commissioner as

well as the secretary of the commission, before entering upon their respective duties, take and subscribe the constitutional oath of office. (Commerce Commission Law, 1921, § 4.)

**Judge or clerk of election.** A judge or clerk of election's oath under the City Election Law is substantially as follows:

'State of Illinois }  
 .....County } ss.

I,....., residing at....., in the city (village or town) of....., in the state of Illinois, do solemnly swear (or affirm) that I am a legal voter (and a householder in case of a judge) in the.....ward of the city (village or town) of....., in the state of Illinois; that I will support the laws and Constitution of the United States, and of the state of Illinois, and that I will faithfully and honestly discharge the duties of the office of judge (or clerk) of election and registration, for the.....precinct of the.....ward of the city (village or town) of....., in the county of....., in the state of Illinois, according to the best of my ability. (Hurd's Stat. 1919, ch. 46, par. 183.)

Under the General Election Law, a judge or clerk of elections takes the following oath:

State of Illinois, }  
 .....County. } ss.

I do solemnly swear (or affirm, as the case may

be) that I will support the Constitution of the United States and the Constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of judge of election (or clerk, as the case may be) according to the best of my ability, and that I have resided in this election district for one year next preceding this election, and am entitled to vote at this election.

Subscribed and sworn to before me this.....  
day of ....., A. D., 19.....

.....  
.....  
(Hurd's Stat. 1919, ch. 46, pars. 38, 39.)

The following oath or affirmation is taken and subscribed to by primary judges including judges selected in case of absence or refusal to act of regular judges, and by clerks previous to voting at a primary, namely:

I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States and the Constitution of the state of Illinois, and will faithfully and honestly discharge the duties of primary judge (or clerk, as the case may be), according to the best of my ability, and that I have resided in this state for one year, in this county for ninety days, and in this precinct thirty days next preceding this primary, and am entitled to vote at this primary.

Primary judges may administer the oaths to each other and to the clerks, in the absence of the justice

of the peace or notary public at the time of opening the polls. (Hurd's Stat. 1919, ch. 46, pars. 466, 468, 469.)

**Judges, filing.** A person elected judge of the Supreme Court, judge of the circuit court, judge of the superior court of Cook County, or county judge, before entering upon his official duties takes and subscribes the constitutional or general form of oath and files in the office of the secretary of state. (Hurd's Stat. 1919, ch. 37, pars. 6, 36, 92.)

**Justice of the peace.** Before entering upon the duties of his office, every justice takes, subscribes and files in the office of the county clerk the constitutional oath of office. (Hurd's Stat. 1919, ch. 79, par. 8.)

**Master in chancery.** Masters in chancery take an oath of office and file same with the clerk of court that makes the appointment. (Hurd's Stat. 1919, ch. 37, par. 248; ch. 90, par. 4.)

**Municipal Court judges, filing.** Persons elected chief justice or associate judge of the municipal court of Chicago take and subscribe the constitutional form of oath and file same with the secretary of state. (Hurd's Stat. 1919, ch. 37, par. 274.)

**Notary public, filing.** A person appointed notary public before entering upon his duties takes and subscribes the constitutional oath of office, which oath and bond he files in the office of the secretary of state. (Hurd's Stat. 1919, ch. 99, par. 4.)

**Oil inspector.** A person who has been appointed oil inspector is required to take the constitutional oath of office before entering upon his duties. (Hurd's Stat. 1919, ch. 104, par. 2.)

**Park commissioner.** A person elected park commissioner under the Park Districts and the Transfer of Submerged Lands Act takes and subscribes the constitutional oath before entering upon the duties of his office. (Hurd's Stat. 1919, ch. 105, par. 168.)

**Park employees' annuity and benefit retirement trustees.** Previous to assuming office, a person elected or appointed to membership upon the retirement board takes and subscribes to an oath of office that so far as it devolves upon him he will diligently and honestly administer the affairs of the office and that he will not knowingly violate or wilfully permit to be violated any of the provisions of the law applicable to the Act under which he is appointed or elected; a certified copy of which oath is deposited with the custodian of the fund. (Hurd's Stat. 1919, ch. 105, par. 347 a 7.)

**Probate clerk.** Before entering upon the duties of his office, the person elected probate clerk must take and subscribe the oath required by the Constitution. (Hurd's Stat. 1919, ch. 37, par. 228.)

**Public administrator, filing.** A person appointed public administrator before assuming office takes and subscribes the constitutional form of oath and

files the same with the clerk of the County Court. (Hurd's Stat. 1919, ch. 3, par. 45.)

**Recorder.** Before entering upon the duties of his office, a recorder takes and subscribes the constitutional oath of office and files it in the office of the secretary of state. (Hurd's Stat. 1919, ch. 115, par. 3.)

**Secretary of state.** Before assuming office, a person elected secretary of state takes and subscribes the constitutional form of oath of office which oath is filed in the secretary of state's office. (Hurd's Stat. 1919, ch. 124, par. 2.)

**Sheriff.** A person elected sheriff, before entering upon his duties, must take and subscribe the constitutional oath of office and file same in the office of the county clerk. (Hurd's Stat. 1919, ch. 125, par. 3.)

**Special drainage district commissioner.** Within ten days after election or appointment, a special drainage district commissioner takes and subscribes an oath to faithfully discharge the duties of his office; which oath is filed in the office of the county clerk. (Hurd's Stat. 1919, ch. 42, par. 129.)

**State's attorney.** Before assuming office the state's attorney elect takes the constitutional form of oath. (Hurd's Stat. 1919, ch. 14, par. 1.)

**State civil service commissioner.** Previous to entering upon his duties, a state civil service com-

missioner takes and subscribes the constitutional oath of office. (Hurd's Stat. 1919, ch. 24a, par. 1.)

**State treasurer.** Before entering upon his duties, a person elected state treasurer takes and subscribes the constitutional oath of office; which oath is filed in the office of the secretary of state. (Hurd's Stat. 1919, ch. 130, par. 2.)

**Superintendent of public instruction.** A person elected superintendent of public instruction before entering upon the duties of his office takes and subscribes the constitutional form of oath and files same with the secretary of state. (Hurd's Stat. 1919, ch. 122, par. 2.)

**Supervisor.** A person elected or appointed supervisor, within ten days of notice of election or appointment takes and subscribes the constitutional oath of office before some justice of the peace or the town clerk; which oath he files in the office of the town clerk. (Hurd's Stat. 1919, ch. 139, par. 85.)

**Town clerk.** Within ten days of notice of election or appointment, a person elected or appointed town clerk takes and subscribes the constitutional oath of office before some justice of the peace, or if not in office before the town clerk then in office; which oath is within eight days thereafter filed in the office of the town clerk. (Hurd's Stat. 1919, ch. 139, par. 85.)

**Township collector.** Within ten days of notice of election or appointment, a person elected or appointed township collector takes and subscribes the constitutional oath of office before some justice of the peace or town clerk, and within eight days thereafter files the same in the office of the town clerk. (Hurd's Stat. 1919, ch. 139, par. 85, as amended, ch. 120, par. 133.)

**OIL INSPECTOR,**

**Appointment.** In cities, villages or incorporated towns one or more inspectors for the inspection of coal oil, petroleum, naphtha, gasoline, benzine, mineral seal, benzol, signal and other mineral oils in fluids are annually appointed by the mayor of a city with the approval of the city council, or the president of the board of trustees of a village or incorporated town with the approval of the board of trustees.

For territory not within city limits, village or incorporated town, the county judge of a county appoints such inspectors. (Hurd's Stat. 1919, ch. 104, par. 1.)

**Term of office.** Oil inspectors are appointed for a term of one year and until a successor is qualified. (Hurd's Stat. 1919, ch. 104, par. 1.)

**PARDONS AND PAROLES SUPERINTENDENT,**

Appointment and term of office, see Governor, civil administrative officers.



## PARK AND BUILDINGS ADVISORS,

The board of parks and buildings advisors is composed of five persons. (Hurd's Stat. 1919, ch. 24½, par. 6.)

Appointment and term of office, see Governor, civil administrative officers.

## PARK CIVIL SERVICE COMMISSIONERS,

**Appointment.** In towns having power to maintain public parks and in park districts of 150,000 or more inhabitants, its governing authority at the expiration of the term or in case of vacancy appoints a superintendent of employment, who, with two members of such governing authority, constitute a civil service board of such town or park district. (Hurd's Stat. 1919, ch. 24a, par. 74.)

**Term of office.** A person appointed superintendent of employment holds office for a term of six years and until his successor is appointed and qualified. (Hurd's Stat. 1919, ch. 24a, par. 74.)

## PARK COMMISSIONERS,

**Appointment.** The Governor by and with the advice and consent of the Senate appoints all park commissioners for public parks that are not under the control of any city, village or other municipal corporation. (Hurd's Stat. 1919, ch. 105, pars. 23, 58.)

**Election.** In park districts organized under the Park Districts and Transfer of Submerged Lands

Act, at the regular township election in April in odd years commencing with 1923 and biennially thereafter, there will be elected two park commissioners. (Hurd's Stat. 1919, ch. 105, par. 170, as amended.)

**Note.** Park districts organized under the Park Districts and the Transfer of Submerged Lands Act have five commissioners.

**Qualification.** A candidate for park commissioner in a district organized under the Park Districts and the Transfer of Submerged Lands Act must be a legal voter of and reside within the district, and where the same includes territory lying within two counties, not more than three of the candidates can be residents of the same county. (Hurd's Stat. 1919, ch. 105, par. 167.)

**Term of office.** Persons appointed park commissioners under the Completion and Management Park Act hold office for a term of five years and until their successors are appointed and qualified. (Hurd's Stat. 1919, ch. 105, par. 23.)

A person elected park commissioner in a district organized under the Park Districts and the Transfer of Submerged Lands Act holds office for a term of six years and until a successor is elected and qualified. (Hurd's Stat. 1919, ch. 105, par. 170.)

**Vacancy.** In case a vacancy occurs in an appointive board of park commissioners, the remaining members of the board certify that fact to the

Governor who fills the vacancy. (Hurd's Stat. 1919, ch. 105, pars. 58, 59.)

In case of vacancy in park districts organized under the Park Districts and the Transfer of Submerged Lands Act; the remaining members of the board may fill the same by appointment until the annual township election and the election and qualification of a successor, if the vacancy is caused by the expiration of the term of a commissioner in 1924 and 1926.

Commissioners whose terms expire before the election in 1923 hold office until commissioners are elected and qualified. (Hurd's Stat. 1919, ch. 105, par. 170, as amended.)

#### PARK EMPLOYEES' ANNUITY AND BENEFIT RETIREMENT BOARD,

Four members elected from the employees of the different park commissioners and three members appointed by the respective park boards constitute the board of trustees of the Park Employees' Annuity and Benefit Fund.

**Appointment and election.** On or before July 10 annually the South Park commissioners, the West Chicago Park commissioners or the Lincoln Park commissioners appoint one person to succeed a member whose term expires in that year; and annually on or before July 20 one employee is elected from the employees of the Lincoln Park commissioners, the South Park commissioners, the West

Chicago Park commissioners or any of the boards of park commissioners included within the Park Employee's Annuity and Benefit Fund Act to succeed the member whose term expires in that year. (Hurd's Stat. 1919, ch. 105, par. 347 a 2.)

**Term of office.** Each person elected member of the Park Employees' Annuity and Benefit Retirement Board holds office for a term of four years and until his successor is elected and qualified. The appointive members hold office for a term of three years, until a successor is appointed and qualified. (Hurd's Stat. 1919, ch. 105, par. 347 a 2.)

**Vacancy.** A vacancy occurring in the membership of the Retirement Board is filled by appointment if the vacant membership is appointive; it is filled by election if the vacant membership is elective. (Hurd's Stat. 1919, ch. 105, par. 347 a 2.)

#### PARK POLICE PENSION TRUSTEES,

This board consists of three appointive and two elective members. (Hurd's Stat. 1919, ch. 105, par. 338.)

**Appointment and election.** Annually on the third Tuesday in July, at such place or places as the three appointive members may prescribe, an election for elective members is held, at which one member is chosen from and by the active park police force and another member is elected by and from the retired park police pensioners, their wid-

ows and guardians of children of deceased pensioners in case there be no widows surviving, at which election no cumulative voting is permissible.

The other three members are appointed by the president of the board of park commissioners as vacancies arise. (Hurd's Stat. 1919, ch. 105, par. 338.)

**Qualification.** All of the trustees must be residents of the town or towns. The three appointive members cannot hold during their term of membership on the board any appointive or elective political office or position. One of the elective members is chosen from the active park police force, the other from the body of the retired pensioners. (Hurd's Stat. 1919, ch. 105, par. 338.)

**Term of office.** The elective members of the board serve for a period of one year and the appointive members hold office for three years, until their successors are appointed and qualified. (Hurd's Stat. 1919, ch. 105, par. 338.)

**Vacancy.** A vacancy in the office of elective member is filled by special election. (Hurd's Stat. 1919, ch. 105, par. 338.)

#### PARK TRUSTEES,

In park districts organized under the Pleasure Driveway and Park Districts Act, there is a president and six trustees in case the office is elective, and seven trustees if the office is appointive. (Hurd's Stat. 1919, ch. 105, par. 109.)

**Election or appointment.** In an organized pleasure driveway or park district not within or partially not within the limits of a city or village under the City Election Law and the Commission Form of Government Act, after the first election and until the office has been made appointive by referendum vote, a president and three trustees are elected every two years on the third Tuesday in July.

In an organized park district or pleasure driveway within or partially within the limits of a city or village under the City Election Law and under the Commission Form of Government Act and when the office has not been made appointive by referendum, after the first election, the election of a president and three trustees is held every two years at the same time and on the same day on which falls the first regular election for mayor and commissioners.

The office of president and trustees may be made appointive at the time of original organization or subsequently by referendum upon petition signed by not less than five per cent of the legal voters of the district and filed with the board of trustees, submitting the question to a vote of the people in the district.

In case the office has been made appointive, the county judge of the county in which all or a greater portion of the district is located and two of the judges of the circuit court of the judicial district on the first Monday in July and biennially thereafter

appoint the full number of trustees or such trustees as are necessary to fill vacancies. (Hurd's Stat. 1919, ch. 105, pars. 109, 118.)

**Nomination, petition, filing.** Candidates for the office of president and trustee filled by election when not called by the county judge are nominated by petition in like manner as are candidates for town offices in counties under township organization; which petition is addressed to and filed in the office of the board of trustees and a copy thereof certified to the board of election commissioners if the district is wholly or partially within their jurisdiction. (Hurd's Stat. 1919, ch. 105, par. 118.)

**Nomination, objection.** Objections or other questions arising in relation to nomination of candidates for park president or trustee are passed upon by the circuit or county court of the county in which the district or a greater portion of it lays; the decision being final. (Hurd's Stat. 1919, ch. 105, par. 118.)

**Qualification.** A candidate for president or trustee of a pleasure driveway or park district must be a legal voter of and reside within the district, and not more than four of the trustees at any one time can belong to the same political party. (Hurd's Stat. 1919, ch. 105, pars. 109, 118.)

**Term of office.** The president of a pleasure driveway or park district holds office for a term of two years; trustees hold office for a term of four years,

until a successor is elected and qualified. (Hurd's Stat. 1919, ch. 105, pars. 109, 118.)

**Vacancy.** A vacancy in the office of president or trustee of a pleasure driveway or park district is filled by appointment (by the remaining trustees) until the next regular election of trustees. (Hurd's Stat. 1919, ch. 105, par. 115.)

#### PARKS SUPERINTENDENT,

Appointment and term of office, see Governor, civil administrative officers.

#### PATROLMEN'S PENSION TRUSTEES,

In cities, villages or incorporated towns of more than 50,000 population, having a paid fire insurance patrol, the president, secretary, treasurer, chairman of the patrol committee and superintendent or chief officer of the fire insurance patrol of the board of underwriters of such city, village or town constitute the patrolmen's pension trustees. (Hurd's Stat. 1919, ch. 24, par. 423.)

#### PLAN COMMISSION,

This commission consists of a chairman, the mayor or village president, the president of the board of local improvements, and such number of other members as the municipality prescribes by ordinance. (Laws, 1921, p. 260.)



**PLANT INDUSTRY SUPERINTENDENT,**

Appointment and term of office, see Governor, civil administrative officers.

**PLUMBERS' EXAMINING BOARD,**

This board consists of the chairman of the board of health, or the health officer or commissioner of health of the municipality, a master plumber and a journeyman plumber. (Hurd's Stat. 1919, ch. 109a, par. 3.)

**Appointment.** In cities, villages or towns of 10,000 inhabitants or more, the mayor with the approval of the city council or the city commissioners, or the board of trustees of a town or village annually, before the first day of May, appoints two members of the Plumbers' Examining Board. (Hurd's Stat. 1919, ch. 109a, par. 3.)

**Qualification.** One of the members of the Plumbers' Examining Board must be a master plumber, the other a journeyman plumber and the third is the chairman of the board of health, or the health officer or commissioner of health of the municipality. (Hurd's Stat. 1919, ch. 109a, par. 3.)

**Term of office.** The appointive members of the Plumbers' Examining Board hold office for one year from the first of May and until their successors are appointed and qualified. (Hurd's Stat. 1919, ch. 109a, par. 3.)

## POLICE MAGISTRATE,

**Election.** At the annual election of town, city or village officers a police magistrate may be elected to fill a vacancy. (Hurd's Stat. 1919, ch. 24, pars. 192, 249.)

**Intoxicating liquors, sale.** It is the duty of a police magistrate to see that no intoxicating liquors are sold or given away and that no saloon or bar-room is open during the holding of a primary. (Hurd's Stat. 1919, ch. 46, par. 515.)

**Qualification.** Justices of the peace cannot hold the office of police magistrate. (Hurd's Stat. 1919, ch. 79, par. 1.)

**Term of office.** A police magistrate is elected for a term of four years and until his successor is elected and qualified. (Hurd's Stat. 1919, ch. 24, pars. 192, 249.)

## POLICE MATRON,

**Appointment.** In cities of 16,000 population and over, the mayor annually appoints one or more police matrons for one year, which appointment in cities of less than 50,000 population must be confirmed by the city council. (Hurd's Stat. 1919, ch. 24, par. 490.)

## POLICEMEN,

**Direction and control.** Policemen or deputy sheriffs who are assigned to places of registration,

polling places or to the meetings of election commissioners are under their direction and control. (Hurd's Stat. 1919, ch. 46, par. 184.)

#### POLICE PENSION BOARD,

**Appointment and election.** In cities, villages and incorporated towns of between 5,000 and 200,000 inhabitants, the regular police force and the beneficiaries under the Police Pension Act annually, on the third Monday in April, elect from their own number one trustee and the mayor or village president, on or before the second Tuesday in May every year, appoints one trustee, who, with a trustee similarly appointed at a preceding year or at the time when the board was first created, constitute the trustees for the administration of the police pension fund in the municipality.

In cities of 200,000 inhabitants or over, annually on the third Monday in April, the policemen from their own number elect one member; on the same date the beneficiaries, widows of deceased beneficiaries and the natural children of deceased beneficiaries whose widows are dead, elect one member, who, with three others appointed by the mayor or village president, constitute the board of trustees for the administration of the police pension fund in these municipalities. Cumulative voting is expressly forbidden. (Hurd's Stat. 1919, ch. 24, pars. 402b, 402c.)

**Note.** The Police Pension Act of 1919 (Hurd's Stat. 1919, ch. 24, par. 402c et seq.,) evidently supersedes the

Police and Firemen's Relief Act of 1877 (par. 382 et seq., *ibid.*) and the Police Pension Act of 1887 (par. 392 et seq., *ibid.*). The Act of 1877 is limited to cities and villages of 10,000 or over and is optional; while the Act of 1887 applies to cities, villages or incorporated towns of 50,000 inhabitants or more and is compulsory. (See Hurd's Stat. 1919, ch. 24, par. 402o.)

**Qualification.** Members of the police pension board must be residents of the city, village or town and must not hold any other appointive or elective political office or position under the Federal, state or municipal governments during the term of membership on the board. (Hurd's Stat. 1919, ch. 24, pars. 402b, 402o.)

**Term of office.** The term of office of the appointive members of the police pension board in cities, villages or incorporated towns of between 5,000 and 200,000 inhabitants is two years; in cities of 200,000 inhabitants and over, their term is three years and until a successor is appointed and qualified. The term of the elective members is one year. (Hurd's Stat. 1919, ch. 24, pars. 402b, 402o.)

**Vacancy.** A vacancy in an elective member of the police pension board is filled by special election called by the board. (Hurd's Stat. 1919, ch. 24, pars. 402b, 402o.)

## POLITICAL PARTY COMMITTEES,

Existing political party committees are recognized until committeemen are chosen. (Hurd's Stat. 1919, ch. 46, par. 460.)

**Powers, delegation.** Political committees have no power to delegate their powers to others. (Hurd's Stat. 1919, ch. 46, par. 460.)

**Sub-committees.** Political committees may appoint from its own membership sub-committees and define their duties by resolution. (Hurd's Stat. 1919, ch. 46, par. 460.)

### POLL BOOK,

**Contents.** In cities, villages and incorporated towns not under the City Election Law, the poll list or poll book contains separate columns headed "Number," "Residence," and "Names of Voters." There is also in each poll book the oath or affirmation taken by the judges and clerks of election.

Written at full length, a poll book contains the name of every person voted for, the office for which he is a candidate and the number of votes he has received; it shows under a proper caption or heading when and where the election was held and is signed by the judges and clerks of election.

Poll books for primaries contain substantially the same information as at regular elections. (Hurd's Stat. 1919, ch. 46, pars. 39, 50, 61, 232, 477.)

**County seat election.** In each of the two poll books kept in a precinct, township or ward for a county seat election, each name is numbered and a corresponding number is marked on each ballot before it is placed in the ballot box. The poll book is

certified as correct by the judges and clerks of election. (Hurd's Stat. 1919, ch. 34, par. 101.)

**Note.** The numbering of the ballot is not now permissible on account of the Ballot Law.

**Filing.** Within three days before the completion of the poll book or list, the original is filed in the office of the town clerk in towns, with the judges or inspectors of election in counties not under township organization, or with the city clerk in cities, as the case may be. (Hurd's Stat. 1919, ch. 46, pars. 136, 141.)

**Form.** At an election held at.....  
in the county of.....and state  
of Illinois, on the.....day of.....  
in the year of our Lord one thousand nine hundred  
and....., the following named persons  
received the number of votes annexed to their re-  
spective names for the following described offices,  
to wit: (name of candidate) had (number of votes)  
for (title of office), (and proceed in the same man-  
ner for any other persons voted for). Certified  
by us.

.....  
.....  
.....

Judges of Election.

(Hurd's Stat. 1919, ch. 46, par. 61.)

**Posting.** One copy of the poll list, immediately after its completion, is posted in a conspicuous

place where the last preceding election in the precinct was held. (Hurd's Stat. 1919, ch. 46, par. 136.)

**Primary poll book, certificate.** A primary poll book is substantially as follows:

### Primary Poll Book.

Of the primary held in the.....precinct  
of the county of.....on the.....day  
of....., A. D., 19.....

Name of Voter	Residence, Street and Number	Party Affiliation			
		Republican	Democrat	Prohibitionist	Socialist
1 John Jones.....	.....	X			
2 Richard Smith.....	.....		X		
3 John Doe.....	.....			X	
4 Richard Dee.....	.....				X
5 Charles Lee.....	.....				X

This is to certify that the above and foregoing is a correct list of primary voters at a primary held on the.....day of....., A. D., 19....., in the.....precinct, in.....county and state of Illinois. That at said primary the undersigned judges and clerks served as required by law and are entitled to pay therefor.

Dated....., 19.....

-----  
 -----  
 Clerks of Primary.                      Judges of Primary.  
 -----  
 -----  
 -----Party.

At the primary election held in this precinct on the.....day of....., A. D., 19....., the respective candidates whose names were written or printed on the official primary ballot of said..... party received respectively the following votes:

Name of Candidate	Title of Office	No. of Votes
John Jones .....	Governor	.....100
Sam Smith .....	Governor	..... 70
Frank Martin .....	Attorney General	.....150
William Preston .....	Representative in Congress	.....206
Frederick John .....	County Judge	..... 59

(Proceed the Same Way for Each Candidate)

We hereby certify the above and foregoing to be true and correct.

Dated this.....day of....., A. D., 19.....

-----  
 -----  
 Judges of Primary.

(Hurd's Stat. 1919, ch. 46, pars. 477, 504.)

POLLING PLACES,

**Authority to fix.** The county board is the proper authority to fix the polling places for state, county



and town election, which are to be the same for all elections. *People v. Markiewicz* (1907), 225 Ill. 563, 567.

**Camp election.** The commanding officer of the company or regiment in which the enlisted men are to vote determines the number of polling places for elections held at camps. (Hurd's Stat. 1919, ch. 46, par. 570.)

**City election.** In cities, the city council designates the place or places for holding city elections. (Hurd's Stat. 1919, ch. 24, par. 56.)

**City elections, alderman.** The fact that a polling place at which an alderman was elected is not in the ward in and for which he is alderman does not invalidate his election where all the elections including that for alderman were held at a central location in the city for the past twenty years in pursuance to an ordinance establishing the voting place, where the form of ballot and conduct of the election made it possible to vote and count the ballots separately for the different candidates for aldermen coming from different wards and where no one was deprived of his right to vote by reason of the location of the voting place. *People v. Graham* (1914), 187 Ill. App. 599, 606.

**County seat election.** Elections at which is submitted a proposition for the removal of a county seat are held at the usual voting places. (Hurd's Stat. 1919, ch. 34, par. 92.)

**Establishment and requirements.** Places for holding elections in the respective counties are established by the county board. These places must be near the center of the voting population, in a front room on the ground floor with an entrance on a public highway or street of at least forty feet wide and must not be a room used as a saloon, bowling alley, billiard hall or as a resort for idlers and disreputable persons or any room connected therewith by doorways or hallways.

Soldiers and sailors in State Soldiers' and Sailors' Home or any national home for disabled volunteer soldiers must be provided with a comfortable place for voting on the ground or grounds and within the enclosures of such homes.

Under the City Election Law, polling places are selected by the same authorities under the same requirements as in case of appointing places of registry. (Hurd's Stat. 1919, ch. 46, pars. 30, 184.)

The very agency or authority designated by law must establish the polling places within the proper time and by proper notice where no polling places are fixed by statute. *Snowball v. People* (1893), 147 Ill. 260, 267.

**Park district election.** At least one polling place must be located in each portion of a township included in any park district organized under the Park Districts and the Transfer of Submerged Lands Act. (Hurd's Stat. 1919, ch. 105, par. 170.)

**Primary elections.** The regularly established polling places for general elections serve as polling places for primary elections. (Hurd's Stat. 1919, ch. 46, par. 456.)

**Road district.** In counties not under township organization, the highway commissioner designates the polling place for district elections. (Hurd's Stat. 1919, ch. 121, par. 45.)

**Soldiers' and sailors' home.** A statutory provision for the establishment of polling places on the grounds of soldiers' and sailors' homes at convenient and comfortable places for honorably discharged and disabled inmates is not class legislation and is valid; and if the voting place thus established comprises outside territory, all legal voters may lawfully resort to it. *People v. Board of Supervisors* (1900), 185 Ill. 288, 296.

**Special drainage district.** In special drainage districts, elections are held within the boundaries of the district, unless another voting place is established by proper order of court outside of the district, upon a petition signed by a majority of the adult land owners in the district petitioning for the same. (Hurd's Stat. 1919, ch. 42, par. 128.)

**Town elections, establishment.** The place of holding the annual town meeting and election can only be fixed by the electors at their annual town meeting. Neither board of supervisors, town clerk

nor town treasurer has power to do so. *People v. Brown* (1901), 189 Ill. 619, 625.

A polling place which has been uniformly recognized as such by the town officers and the people in holding town meetings and elections for a number of years will be regarded as having been regularly fixed by the electors of the town, although no record thereof is preserved in the clerk's office, when a new polling place is situated on the same lot and within one hundred feet in plain view of an old polling place that has become unfit for use. *People v. Brown* (1901), 189 Ill. 619, 629.

**Water district.** In an election for water district officers, the county judge fixes not less than one place for holding the election in each organized city, village or town lying in the district. (*Hurd's Stat.* 1919, ch. 24, par. 722.)

POLL LIST, See POLL BOOK.

POLLS,

**Absence from polls.** A judge or clerk of election is not permitted to leave the polls except for five minutes at any one time until the ballots are all cast, counted and returns made; and if, for any cause, it is necessary to leave the polls, the judge or clerk must authorize some one else of the same political party with himself to act for him until his return. (*Hurd's Stat.* 1919, ch. 46, par. 229.)

**Acting judge or clerk.** An acting judge or clerk ceases to act whenever the regular judge or clerk appears and resumes his duties. (Hurd's Stat. 1919, ch. 46, par. 230.)

**Arrest.** To suppress riot or disorder during an election, constables may call to their aid a sufficient number of citizens and may arrest the disorderly or riotous persons without warrant. (Hurd's Stat. 1919, ch. 46, par. 45.)

**Ballot box.** At camp elections, the ballot box is prepared for voting as in case of general elections and during the election is in charge of the chairman. (Hurd's Stat. 1919, ch. 46, pars. 576, 577.)

**Ballot boxes, custody.** The judges of election are charged with the duty of keeping the ballot boxes during an election or a primary. (Hurd's Stat. 1919, ch. 46, par. 41.)

**Ballot box, obstruction.** It is the duty of judges of election to remove, on request or on their own motion, any barricade or other obstruction of the public view of the ballot box. (Hurd's Stat. 1919, ch. 46, par. 231.)

**Ballot box, preparation for voting.** Before voting begins, the ballot box is opened, emptied and shown as empty to those present; it is then locked and the key is delivered to one of the judges. The ballot box must afterward remain locked in public view until the close of the polls. (Hurd's Stat. 1919, ch. 46, pars. 50, 230, 493, 577.)

**Camp election.** The commanding officer of a command which has been designated to vote as absent voters on account of military or naval service fixes the date of election by proclamation; which election must be held not less than five nor more than twenty days prior to the general election day. (Hurd's Stat. 1919, ch. 46, par. 574.)

The polls at camp elections may be opened at a convenient hour of the day for the voters and must be kept open as long as it is necessary to receive the votes, but not less than three hours and not later than sunset of the day on which the election is held. (Hurd's Stat. 1919, ch. 46, par. 574.)

**Challengers.** At least one and not more than two legal voters of each party are chosen and permitted to act as challengers in the room where an election is being held and may remain until all of the votes are canvassed and the result has been declared. (Hurd's Stat. 1919, ch. 46, par. 64.)

**Challengers, position.** The position or place of one of the challengers is immediately adjoining the judges of election inside the polling or registration place to enable him to see each person as he offers to register or vote. Another challenger may be placed outside of the polling place.

Challengers or watchers at a primary have the same powers as have challengers at general elections. (Hurd's Stat. 1919, ch. 46, pars. 235, 472.)

**Challengers, protection.** It is the duty of the judges of election and the other officers to protect

challengers in the discharge of their duties. (Hurd's Stat. 1919, ch. 46, par. 235.)

**City Election Law proposition, form of tally sheet.** Any piece of paper containing written headings, "For City Election Law" and "Against City Election Law" with spaces opposite each proposition for the vote cast is sufficient to serve as a tally sheet in the absence of tally sheets provided by election officials. (Hurd's Stat. 1919, ch. 46, par. 161.)

**County seat election.** In case of a county seat election, the board of election make two tally lists. (Hurd's Stat. 1919, ch. 34, par. 101.)

**Enclosed space.** As many voters are permitted within the enclosed space at any one time as there are voting booths in the polling place, and not more than two voters additionally. Voters must not remain within the enclosed space more than ten minutes. (Hurd's Stat. 1919, ch. 46, pars. 309, 310.)

**Guard rail, construction.** The guard rail in a polling place is so constructed and placed as to permit voters on the inside of the rail to approach within six feet of the voting booth and ballot box and which can be reached only by passing within such rail. (Hurd's Stat. 1919, ch. 46, pars. 308, 473.)

**Guard rail, persons allowed within.** The election officers, the challengers and those admitted for the purpose of voting are alone permitted within the

guard rail. (Hurd's Stat. 1919, ch. 46, pars. 308, 473.)

**Illiterate or physically disabled voters.** At the opening of the polls, the judges of election in each election precinct or district select and designate from the judges and clerks of election in the precinct or district two election officers of the different political parties to assist illiterate or physically disabled voters in marking their ballots; and when such officers are called upon to act, they must give no information regarding such marking. (Hurd's Stat. 1919, ch. 46, par. 311.)

**Intoxicating liquors, sale.** It is the duty of a constable to see that no intoxicating liquors are sold or given away and that no saloon or barroom is open during the holding of a primary or upon a general or special election day within one mile of the polling place. (Hurd's Stat. 1919, ch. 46, pars. 79.)

**Names of voters.** The name of each person as he presents himself to vote is by one of the judges of election announced in a loud and distinct tone of voice. (Hurd's Stat. 1919, ch. 46, par. 309.)

**Oath, administration.** Previous to any vote being taken, a judge or justice who is not a judge or clerk of election and is present at the opening of the polls, or any judge of election, if no such judge or justice be present, or any officer resident in the election precinct or district authorized by law to



administer oaths, may administer an oath or affirmation to each judge or clerk of election or to a person who has been challenged as a voter or to witnesses as to qualifications. (Hurd's Stat. 1919, ch. 46, pars. 38, 39, 69.)

**Opening and closing, proclamation, adjournment or recess.** In cities, villages and incorporated towns, not under the city election law, the polls open at 7 o'clock in the morning and close at 5 o'clock in the evening. Cities, villages and towns in counties of the third class may open polls at 6 o'clock in the morning and close them at 4 o'clock in the afternoon by passing an ordinance or adopting a resolution at the annual town meeting to that effect and filing a certified copy thereof with the county clerk. The polls may be opened at any hour before closing if the judges do not attend at the hour of opening or it is necessary to appoint judges to conduct the election. Immediately preceding the opening of the polls and thirty minutes before closing them, one of the judges makes proclamation that the polls will now be open or that they will close in half an hour, as the case may be.

Once open, the polls must continue to be open until all of the votes cast at the election have been counted and the result has been publicly announced during which time neither adjournment nor recess can be taken. (Hurd's Stat. 1919, ch. 46, pars. 48, 49, 56, 321.)

The polls open from six o'clock in the morning

to five o'clock in the evening for primary elections and neither recess nor adjournment of the polls is permitted until the canvass of votes has been completed and the returns have been carefully enveloped and sealed. The polls are opened by one of the primary judges making proclamation that the polls are open; and thirty minutes before closing by proclaiming that the polls will be closed in half an hour. (Hurd's Stat. 1919, ch. 46, pars. 457, 492, 500.)

In cities having election commissioners, the polls open at six o'clock in the morning and close at four o'clock in the afternoon on the same day. (Hurd's Stat. 1919, ch. 46, par. 229.)

In case of a county seat election, the polls cannot be kept open later than eight o'clock P. M., and they must be open at eight o'clock A. M., and close at six o'clock P. M., unless a majority of the board determine to keep them open until eight o'clock P. M. (Hurd's Stat. 1919, ch. 34, par. 100.)

In an election for drainage commissioner, the polls open at two and close at four o'clock in the afternoon. (Hurd's Stat. 1919, ch. 42, par. 89a.)

In elections for special drainage district commissioners, the polls open at two and close at four o'clock in the afternoon, unless the judges of election determine to hold the polls open until six o'clock to accommodate the voters. (Hurd's Stat. 1919, ch. 42, par. 129.)

In Kaskaskia the polls may be opened at one

o'clock and closed at six o'clock in the afternoon. *Stead v. Commons of Kaskaskia* (1910), 243 Ill. 239, 258.

The time for opening and closing an election for school trustee is the same as is prescribed for general elections. (Hurd's Stat. 1919, ch. 122, par. 26.)

The polls of a school election may be opened at two o'clock in the afternoon when no voters are thereby deprived of voting. *People v. Michaels* (1911), 160 Ill. App. 424, 428.

**Order, maintenance.** It is the duty of the police or sheriff to exclude any persons or watchers for disorderly conduct. (Hurd's Stat. 1919, ch. 46, par. 235.)

**Police or sheriff, presence.** It is the duty of the judges of election to admit one or more officers of the law to be present at a polling place at the time of canvassing the votes. (Hurd's Stat. 1919, ch. 46, par. 235.)

**Illiterate or physically disabled persons, voting machines.** The fact that an elector has been assisted in marking his ballot because illiterate or physically disabled must be noted on the poll list opposite his name. (Hurd's Stat. 1919, ch. 46, pars. 311, 438.)

**Preserving order.** The county board, or if that board fails to act, the judges of election may appoint one or more constables for each polling place

to preserve order during the election. The judges of election may appoint a suitable person to act as special constable for the same purpose. (Hurd's Stat. 1919, ch. 46, pars. 43, 44.)

**Registers, use of.** The registers of the last general registration, with all additions of names registered in the office of the election commissioners, are used at elections held between general registrations. (Hurd's Stat. 1919, ch. 46, par. 211.)

In cities having a board of election commissioners, the registers prepared for use at the last election, or in cities of more than 200,000 inhabitants and in incorporated towns having a board of election commissioners, the revised registers of an intermediate registration are used at a primary. (Hurd's Stat. 1919, ch. 46, par. 494.)

**Returns.** The oaths administered to acting judges and clerks are preserved and returned to the election commissioners in cities under the election commissioners system. (Hurd's Stat. 1919, ch. 46, par. 230.)

**Supplemental list, posting.** A printed copy of the supplemental lists together with the original printed register are posted up at each polling place on the day of election. (Hurd's Stat. 1919, ch. 46, par. 209.)

**Vacancy in judge or clerk, filling.** If a judge or clerk is not present after the expiration of fifteen minutes from the opening of the polls, the judge

or judges present must fill the vacancy by selecting and qualifying as judge or clerk a person of the same political party as the party absent. (Hurd's Stat. 1919, ch. 46, par. 230.)

**Voting machine.** The room in which the voting machine is placed must have a railing separating the part of the room occupied by the judges and clerks of election from the part of the room occupied by the voting machine. The machine must be placed at least three feet from every wall and partition of the polling place, at least four feet from any election officer or table used by election officers; and it must be so arranged that no person on the opposite side of the railing can see or determine from the outside of the room how the voter casts his vote. The exterior of the voting machine and every part of the polling place must be in plain view of the election officers. (Hurd's Stat. 1919, ch. 46, par. 437.)

**Voting machine, inspection.** On the same day the voting machine is delivered, the judges and clerks of election may meet at the polling place, open the package containing the sample ballots, and if necessary, the ballot labels, and see that the machine is correctly labeled, set and adjusted.

On the morning of election, the election officers meet at the polling place at least one hour before the time for opening the polls; they see that the sample ballot labels and instruction cards are posted properly and that everything is in readiness for

voting. They compare the ballot labels with the sample ballots and see that they are correct; they also see that the counters in the machines are set at naught or zero and must not thereafter permit them to be operated or moved except by electors in voting. At this time also, all necessary arrangements and adjustments are made for voting irregular ballots on the machine. (Hurd's Stat. 1919, ch. 46, par. 442.)

**Watchers, presence.** The police or sheriff must not interfere with the presence of the watchers during the canvass of the votes and the making of the returns. (Hurd's Stat. 1919, ch. 46, par. 235.)

**Watchers, selection.** The captain of the ward or precinct or other person managing the political interests of a party in the ward or precinct, or in case of failure to do so, the judge or judges of election representing each political party voting at such election, may, at the close of the polls, appoint two persons of good character to watch the canvass of ballots.

Each candidate for an office may designate by a certificate in writing one person as watcher for each precinct in which he is a candidate. (Hurd's Stat. 1919, ch. 46, pars. 235, 237.)

## POUNDMASTER,

**Election.** In townships where a suitable pound has been selected and established, a poundmaster,

after the first appointment, is elected annually, and when elected must within ten days after being notified file his acceptance in the office of the town clerk. (Hurd's Stat. 1919, ch. 139, par. 87.)

**Term of office.** A person elected to the office of poundmaster holds office for a term of one year and until his successor is elected. (Hurd's Stat. 1919, ch. 8, par. 3; ch. 139, par. 92.)

#### PRECINCT COMMITTEEMEN,

**Election.** Except in precincts within incorporated cities or villages of two hundred thousand or over, precinct committeemen will be elected in each precinct at the April primary of 1922 and every two years thereafter by writing or attaching in a space left on the primary ballot the name of one qualified elector of a political party. (Hurd's Stat. 1919, ch. 46, par. 460.)

**Qualification.** A candidate for the office of precinct committeeman must be a qualified elector of his own party in the precinct. (Hurd's Stat. 1919, ch. 46, par. 460.)

**Tie vote.** A tie between candidates for precinct committeemen is determined by lot. (Hurd's Stat. 1919, ch. 46, pars. 457, 460, as amended.)

**Vacancy.** The county central committee under its general and usual powers fills vacancies in precinct committeeman. (1917-18 Atty. Gen. Rep. 356.)

## PRESIDENT BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY,

Election, see County Commissioners of Cook County.

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general election in his district or division in the county are necessary to a nominating petition for the office of president of the county board of Cook County; which petition is filed with the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for president of board of county commissioners of Cook County are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Vacancy.** A vacancy occurring in the office of president of the board of county commissioners of Cook County is filled by the board from one of their number for the unexpired term. (Hurd's Stat. 1919, ch. 34, par. 61a.)

## PRESIDENT BOARD OF SANITARY DISTRICT TRUSTEES,

**Nomination.** Presidents of boards of trustees of sanitary districts are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)



**Nominating petition, signatures, filing.** Half of one per cent of the qualified primary electors' signatures of the candidate's party in the district is necessary to a nominating petition for the office of president of the board of trustees of a sanitary district; which petition is filed with the secretary of state between forty and sixty days prior to the date of the primary, if the sanitary district comprises territory greater than a county; the petition is filed with the county, city, village or town clerk during the period of time required for the filing of other nominating petitions in their respective offices, if the sanitary district is wholly within the jurisdiction of a county, city, village or town. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

Although the statute makes no provision for the number of signers required to a nominating petition for the office of president of a board of trustees of a sanitary district and it does not designate the office in which the petition is to be filed, it is apparent from a consideration of paragraphs 479 and 481 of chapter 46, Hurd's Statutes, 1919, that one-half of one per cent of the qualified primary electors of a candidate's party in the district or subdivision in which an election is to be held is necessary to a nominating petition in all cases, that the petition must be filed with the secretary of state whenever the territory in which the election is to be held is greater than a county or it comprises part of one and part of another county, and that

the petition must be filed with the county, city, village or town clerk whenever the election is to be held wholly within an entire county, city, village or town.

PRESIDENT BOARD OF TRUSTEES (INCORPORATED TOWNS OF 25,000 AND OVER).

Election in towns of twenty-five thousand, see Assessor.

Nominating petition, Cicero, filing, see Assessor.

PRESIDENT OF INCORPORATED TOWN,  
see SUPERVISOR.

PRESIDENT OF THE UNITED STATES,

**Advisory vote, petition, signers, filing.** Forty days prior to the April primary, a candidate for President of the United States may file with the secretary of state his petition signed by three to five thousand qualified primary electors of his party, to permit his name to appear upon the primary ballot and to obtain an expression of the sentiment of his party voters concerning his candidacy; which vote is merely advisory to the delegates and alternate delegates to the national nominating convention. (Hurd's Stat. 1919, ch. 46, par. 480.)

PRIMARIES, see NOMINATIONS, also ELECTION CALENDAR.

## PRIMARY ELECTION CONTEST,

**Appeal**, see Hearing.

**Contestants.** Only persons whose names appear on the primary ballot may contest a primary. (Hurd's Stat. 1919, ch. 46, par. 513.)

**Costs, security.** The petitioner in a primary election contest is required to give security for all costs. (Hurd's Stat. 1919, ch. 46, par. 513.)

**Hearing, judgment, appeal, certified copy.** A primary election contest has preference in the order of hearing to all other cases and may be heard three days after service of process, in term time or in vacation.

The petition is dismissed if the grounds are insufficient in law. If the grounds are in law sufficient, the court in a summary way proceeds to hear evidence, examines the returns, recounts the ballots and enters a judgment or decree declaring the true result of the election, from which judgment there is no appeal.

The clerk of court is required to forthwith transmit to the canvassing board or to the county clerk a certified copy of the decree. (Hurd's Stat. 1919, ch. 46, par. 513.)

**Judgment**, see Hearing.

**Jurisdiction.** In all cases of primary election contests of state and congressional offices and of the office of county judge, the circuit court, and in

all other primary election contests, the county court has jurisdiction in term or in vacation. (Hurd's Stat. 1919, ch. 46, par. 513.)

**Parties**, see Contestants.

**Petition, notice of pendency, filing.** In case of the contest of a primary election, a petition must be filed with the clerk of the county or with the clerk of the circuit court, as the case may be, within five days of the completion of the canvass of the returns.

The contestant also must file with the canvassing board which canvassed the returns and with the county canvassing board a notice of the pendency of the contest and a certified tabulated statement of the returns, if such statement had been filed with the secretary of state. (Hurd's Stat. 1919, ch. 46, par. 513.)

**Petition, requirements.** A petition to contest a primary election must set forth the grounds of the contest and be verified by the petitioner or other persons. (Hurd's Stat. 1919, ch. 46, par. 513.)

**Summons, issuance, return, procedure.** Upon the filing of a petition to contest an election, the judge is required to note upon the petition the day of presentation, the date of hearing, which must not be more than five days thereafter, and order issuance of summons, which may be directed to any county in the state. (Hurd's Stat. 1919, ch. 46, par. 513.)

**Summons, service.** Summons in a primary election contest may be served as in chancery, in any county in the state. (Hurd's Stat. 1919, ch. 46, par. 513.)

PRIMARY POLL BOOK, see POLL BOOK.

PRIMARY TALLY SHEETS, see TALLY SHEET.

PRINTING SUPERINTENDENT,

Appointment and term of office, see Governor, civil administrative officers.

PRISONS SUPERINTENDENT,

Appointment and term of office, see Governor, civil administrative officers.

PRIVATE EMPLOYMENT AGENCIES CHIEF INSPECTOR,

Appointment and term of office, see Governor, civil administrative officers.

PROBATE CLERK,

**Election.** At the fall election of 1922 and every four years thereafter, a probate clerk will be elected in each county having a population of 70,000 or more inhabitants and an established probate court. (Hurd's Stat. 1919, ch. 37, par. 228.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general election in the county are necessary to a nominating petition for the office of probate clerk; which petition is filed with the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, par. 479.)

**Nomination.** Candidates for probate clerk are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Number of clerks.** Probate clerks are at present elected in Cook, Kane, LaSalle, Madison, Peoria, Rock Island, Sangamon, St. Clair, Vermilion and Will counties.

**Term of office.** A person elected probate clerk holds office for a term of four years and until his successor is elected and qualified. (Hurd's Stat. 1919, ch. 37, par. 228.)

## PROBATE JUDGE,

**Election.** Probate judges will be elected in the fall of 1922 and every four years thereafter in counties of 70,000 or more inhabitants having a probate court. (Hurd's Stat. 1919, ch. 37, pars. 216, 218; ch. 46, par. 16.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's

party's vote cast at the last preceding general election in the county are necessary to a nominating petition for the office of probate judge; which petition is filed with the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for probate judge are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Number of judges.** At present there are ten probate judges in this state, in counties as follows: Cook, Kane, LaSalle, Madison, Peoria, Rock Island, Sangamon, St. Clair, Vermilion and Will counties.

**Term of office.** The term of office of probate judge is four years from the first Monday in December after his election. (Hurd's Stat. 1919, ch. 37, pars. 216, 218.)

**Vacancy.** If a vacancy occurs in the office of probate judge, the probate clerk notifies the Governor thereof and if the unexpired term is less than a year, the appointment of a successor follows; but if the unexpired term exceeds a year, the vacancy is filled by a special election called by the Governor. (Hurd's Stat. 1919, ch. 37, par. 239.)

PROCLAMATION, see CANVASSING RETURNS.

#### PUBLIC ADMINISTRATOR

**Appointment, number.** In 1921, before the first

Monday in December, and every four years thereafter, the Governor by and with the advice and consent of the Senate appoints a public administrator for every county in the State. (Hurd's Stat. 1919, ch. 3, par. 44.)

**Term of office.** A person appointed public administrator holds office for a term of four years from the first Monday in December of the year in which he is appointed and until a successor is appointed and qualified. (Hurd's Stat. 1919, ch. 3, par. 44.)

**Vacancy.** The office of public administrator may be declared vacant for failure to give bond within sixty days of the receipt of a commission or of being ordered to give additional security, and upon the certification of that fact, the Governor fills the vacancy. (Hurd's Stat. 1919, ch. 3, par. 47.)

#### PUBLICATION.

**Specimen ballot, publication.** Publication of the official ballot is necessary only in counties of less than 150,000 inhabitants. The publication of a copy of the official ballot meets with the statutory requirement to publish "a list of all nominations." (1919-20 Atty. Gen. Rep. 55; 1917-18 *ibid.* 323.)

#### PUBLIC HEALTH ADVISORS,

Five advisors compose the Board of Public Health Advisors. (Hurd's Stat. 1919, ch. 241½, par. 6.)



Appointment and term of office, see Governor, civil administrative officers.

#### PUBLIC HEALTH DIRECTOR AND ASSISTANT,

Appointment and term of office, see Governor, civil administrative officers.

**Qualification.** An Illinois license to practice medicine and surgery, at least five years' practical experience in the practice of medicine and surgery in this state, and, in case of director, at least six years, but in case of assistant director, at least three years' practical experience in public health work are necessary to eligibility for appointment as director or assistant director of the Department of Public Health. (Hurd's Stat. 1919, ch. 241½, par. 7.)

#### PUBLIC LIBRARY DIRECTORS,

**Appointment and election.** In towns, villages or townships that have voted for the establishment of a public library, annually, after the first election, are elected two directors, who, with four others previously elected, constitute the public library board.

In incorporated cities, the mayor, with the approval of the city council, appoints on or before the first of July annually three directors, who, with six others similarly appointed, constitute the public library board. (Hurd's Stat. 1919, ch. 81, pars. 2, 3, 11.)

**Qualification.** Candidates for public library director in a city are chosen from the citizens at large with reference to their fitness for the office and not more than one from the city council. Candidates for public library director in a town, village or township must be legal voters in the municipality. (Hurd's Stat. 1919, ch. 81, pars. 2, 11.)

**Term of office.** A person appointed or elected director of a public library holds office for a term of three years and until his successor is appointed or elected and qualified. (Hurd's Stat. 1919, ch. 81, pars. 3, 11.)

**Vacancy.** A vacancy in the office of public library director in an incorporated city is filled as in case of original appointment. (Hurd's Stat. 1919, ch. 81, par. 4.)

#### PUBLIC LIBRARY EMPLOYEES' PENSION TRUSTEES,

**Appointment.** After the first appointment, annually, not later than October 31, the employees contributing to the public library pension fund elect one of their number and one of the members of the board of directors as trustees, who, with one of the trustees previously elected from the contributing employees, the president and secretary of the board of directors of the public library, constitute the board of trustees of the public library employees' pension fund. (Hurd's Stat. 1919, ch. 81, pars. 46, 47.)

**Term of office.** The member selected from among the contributors to a public library pension fund is elected for a term of two years; the other elective member is elected for a term of one year. (Hurd's Stat. 1919, ch. 81, par. 47.)

**PUBLIC MEASURE, see OFFICIAL BALLOT, PROPOSITION.**

#### **PUBLIC OFFICE,**

**Federal census, effect.** A public office made to depend upon a requisite population as determined by a Federal census is not created nor is there a vacancy established immediately upon the announcement of the official census when duties pertaining to the office are being performed by an official whose term has not expired. Thus in case of the office of probate judge or that of clerk in a county which has no such offices on account of insufficient population, cannot be filled before the next regular election of county judge after the requisite population has been reached and officially announced. *People v. Opel* (1900), 188 Ill: 194, 203.

**Incompatibility.** Incompatibility in an office may exist by virtue of express statutory prohibition, or where the holder of one office cannot properly, fully or faithfully perform all the duties of the other office because of multiplicity of business or considerations of public policy. *People v. Haas* (1908), 145 Ill. App. 283, 286.

**Qualification.** Citizenship and one year's residence in the state next preceding election or appointment are general qualifications for all public offices. (Const. 1870, art. 7, § 6.)

Qualification, see Vacancies, failure to elect.

**Residence, abandonment.** A husband does not lose or abandon his residence by going to another state in quest of his wife's health and remaining there a reasonable length of time for that purpose with no intention of making it his permanent home. *People v. Connell* (1888), 28 Ill. App. 285, 291.

**Resignation.** Wilful and long continued absence from the performance of public duties may or may not justify the legal presumption of an abandonment of an office. *Harrison v. People* (1890), 36 Ill. App. 319, 324.

**Term of office, commencement and ending.** Unless the date of the commencement and ending of a term of office is fixed by Constitution or statute, the term begins on the date of election in case of elective offices, or on the date of appointment in case of appointive offices. *People v. Sweitzer* (1917), 280 Ill. 436, 445.

**Term of office, extension.** The term of an elective or appointive public officer while in office cannot be extended under the present Constitution. *People v. Knopf* (1902), 198 Ill. 340, 346.

**Title to office, acquisition.** A person acquires title to a public office the moment a majority of

votes are cast for him at an election held in pursuance to law, of which the commission is merely evidence of title. *Kreitz v. Behrensmeyer* (1894), 149 Ill. 496, 505.

**Title to office, source.** The authority, rights and powers of an office are derived from the election and not from the returns. *People v. Kilduff* (1854), 15 Ill. 492, 502.

#### PUBLIC PLAYGROUNDS BOARD,

**Appointment.** In cities, towns or villages of less than 150,000 inhabitants that have adopted the Public Playgrounds Act and that have passed an ordinance creating a playgrounds board, the mayor or president, with the consent of the council, board or commission, appoints three commissioners for a term of two years. (Hurd's Stat. 1919, ch. 24, par. 772.)

#### PUBLIC SCHOOL EMPLOYEES' PENSION BOARD,

**Election.** After the first election, annually not later than the thirtieth of October, two persons from the contributing employees are elected. members, who, with two others previously elected, the president and secretary of the board of education in cities of over 100,000 inhabitants, constitute the board of trustees of the public school employees' pension fund. (Hurd's Stat. 1919, ch. 122, pars. 423a, 423b, 423e.)

In school districts of 10,000 to 100,000 inhabitants governed by special act, the board of management to administer the teachers' pension and retirement fund consists of three to nine members, two-thirds of whom are elected by the active contributing members and one-third are selected from the governing body of the district for such a term as the governing body may by resolution determine. (Hurd's Stat. 1919, ch. 122, pars. 562, 563.)

**Term of office.** Elective members of the board of trustees of the public school employees' pension fund in cities of over 100,000 inhabitants hold office for a term of two years. (Hurd's Stat. 1919, ch. 122, par. 423e.)

#### PUBLIC SCHOOL TEACHERS' AND EMPLOYEES' PENSION BOARD,

In cities of over 100,000 inhabitants, the teachers and employees of the public schools select annually two representatives, who, with the county superintendent of schools, constitute a board of trustees for the administration of the public school teachers' and employees' pension and retirement fund. (Hurd's Stat. 1919, ch. 122, par. 417.)

#### PUBLIC SCHOOL TEACHERS' PENSION BOARD,

**Election.** In cities of more than 100,000 inhabitants, after the first election, annually at their first meeting in November, the board of education elects one of its members and the pension and retirement

fund contributors at the same time elect two members from their number to a board of trustees consisting of nine members, including the chairman of the finance committee of the board of education as ex officio member and president of the board. (Hurd's Stat. 1919, ch. 122, par. 152.)

No final election is necessary when each of the full number of candidates to be elected receives a majority of all the votes cast at a primary. (Hurd's Stat. 1919, ch. 122, par. 152, as amended.)

**Nominating petition, filing.** A petition nominating a person for trustee of school teachers' pension board must be signed by not less than twenty-five members of the teaching force employed in the city of Chicago who are contributors to the pension fund; must not include more than one candidate, and must be filed with the recording secretary ten days before the primary. (Hurd's Stat. 1919, ch. 122, par. 152, as amended.)

Candidates for trustee of teachers' pension and retirement fund can be nominated only by secret primary election held thirty days before final election. (Hurd's Stat. 1919, ch. 122, par. 152, as amended.)

**Term of office.** Members of the Public School Teachers' Pension Board elected from the board of education hold office for a term of two years while remaining board of education members; those elected from the pension contributors hold office for a term of three years. (Hurd's Stat. 1919, ch. 122, par. 152.)

**PUBLIC TUBERCULOSIS SANITARIUM  
BOARD,**

**Appointment.** In cities or villages that have voted a tax for the establishment and maintenance of a public tuberculosis sanitarium, the mayor or the village president, with the approval of the city council or board of trustees, annually, before the first of July, appoints a director to take the place of a retiring director on a board consisting of three directors. (Hurd's Stat. 1919, ch. 24, pars. 686, 687, 688.)

**Qualification.** In cities or villages having a board of health, one of the members of the board of directors must be a member of such board and the other two must be chosen with reference to their special fitness for the office. (Hurd's Stat. 1919, ch. 24, par. 687.)

**Term of office.** A member of the board of directors of a public tuberculosis sanitarium holds office for a term of three years. (Hurd's Stat. 1919, ch. 24, par. 688.)

**Vacancy.** Vacancies are filled as in case of original appointment. (Hurd's Stat. 1919, ch. 24, par. 689.)

**PUBLIC WELFARE COMMISSIONERS,**

Five persons compose the Board of Public Welfare Commissioners. (Hurd's Stat. 1919, ch. 24 $\frac{1}{2}$ , par. 6.)



Appointment and term of office, see Governor, civil administrative officers.

#### PUBLIC WELFARE DIRECTOR AND ASSISTANT,

Appointment and term of office, see Governor, civil administrative officers.

#### PUBLIC WORKS AND BUILDINGS DIRECTOR AND ASSISTANT,

Appointment and term of office, see Governor, civil administrative officers.

**Interstate harbor commission.** The director of the department of public works and buildings is ex officio a member of the Interstate Harbor Commission. (Laws. 1921, p. 37.)

#### PURCHASES AND SUPPLIES SUPERINTENDENT,

Appointment and term of office, see Governor, civil administrative officers.

#### QUALIFICATIONS OF VOTER, see VOTERS.

#### RECORDER OF DEEDS,

**Election.** In the fall of 1920 and every four years thereafter there will be elected a recorder of deeds in the counties of Cook, Kane, LaSalle, Madison, McLean, Peoria, Rock Island, Sangamon, St. Clair,

Vermilion, Will and Winnebago. (Hurd's Stat. 1919, ch. 46, par. 27.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general election in the county are necessary to a nominating petition for the office of recorder of deeds; which petition is filed with the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for recorder of deeds are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Number of recorders.** There are at present twelve recorders of deeds elected in this state in counties having a population of 60,000 or more inhabitants.

**Vacancy.** A vacancy occurring at any time in the office of recorder of deeds is filled by the county board until the next county or precinct election. (Hurd's Stat. 1919, ch. 46, par. 133.)

## REGISTER,

Each register contains a list of names of all persons who reside, are qualified and entitled to vote at the next election in the election precinct or district, including the names of all living persons appearing on the poll list of the election precinct or district made at the last preceding election, as well

as the names of all other persons who are well known to the board of registry to be electors in such election precincts or districts, arranged alphabetically under the surname in full in one column, and showing the residence of each person by number of the dwelling and the name of the street or other location in cities in another column.

The manner of making a register in a new election district may be determined by the majority of the board of registry. For this purpose, they may make a list or cause a copy of the poll list or lists of the districts in which the new district is situated to be made and certified; or they may dispense with such list or lists and proceed to make a register from the best means at their command; which list must embrace only the names of such persons as are known to the board of registry to be electors in their district.

Two copies of the register are made and certified. (Hurd's Stat. 1919, ch. 46, pars. 135, 136, 137, 141.)

**Age**, see Qualified voter.

**By Act of Congress.** State under this heading "Yes," if naturalized by special Act of Congress. (Hurd's Stat. 1919, ch. 46, par. 197-5 [8].)

**Challenged voter.** In cities under election commissioners, the clerks and judges having charge of the registers must show on their respective books the facts in case an elector has been challenged and permitted to vote. (Hurd's Stat. 1919, ch. 46, par. 233.)

**Changing register and stamp.** After names have been added to a register under applications for registration or restoration, no other change is permitted and the appropriate stamp is affixed to the end of each page of names in each precinct register. (Hurd's Stat. 1919, ch. 46, par. 207.)

**Copy.** One of the judges or inspectors of election is required to keep and preserve a copy of the list or register for use in its revision and correction.

Any person in the precinct who makes application to the election commissioners may receive a copy of a printed register. (Hurd's Stat. 1919, ch. 46, pars. 136, 139, 204.)

**Copying names.** Names and addresses of voters with one reply or answer of each voter may be copied from the register upon making application to the board of election commissioners thirty days after, or forty days preceding, an election. (Hurd's Stat. 1919, ch. 46, par. 228.)

**Court.** If uncertain as to name of the court, give the name of the place in which the court was located under this heading. (Hurd's Stat. 1919, ch. 46, par. 197-5 [7].)

**Date of papers.** Under this heading give the date or about the date of naturalization. (Hurd's Stat. 1919, ch. 46, par. 197-5 [6].)

**Delivery of registers.** On the day previous to election, one register is delivered to each judge of election representing a different political party. (Hurd's Stat. 1919, ch. 46, par. 207.)

## REGISTER OF VOTERS.....

Residence	Name	Nativity	TERM OF RESIDENCE				
			At Present Address	Precinct	County	State	United States
240 Ohio St.	Ames, Wm. J.	Mass.	6 mos.	6 mos.	2 yrs.	10 yrs.	25 yrs.
205 Ontario St.	Allen, John	England	20 days	3 mos.	3 yrs.	5 yrs.	7 yrs.
150 Dearborn Ave.	Austin, Geo.	Georgia	3 days	3 days	5 yrs.	6 yrs.	41 yrs.
131 Clark St.	Anschuler, C.	Germany	3 mos.	3 years	6 yrs.	6 yrs.	6 yrs.

SAMPLE PAGE OF REGISTER

PRECINCT, ..... WARD.

Date of Registration	Court	By Act of Congress Qualified Voter	Date of Application for Registry	Residence when Last Registered	Why Disqualified Erased	Restored		Vote Challenged	Remarks
						By Commissioners	By Court		
July 27, 1871	Superior, N. Y.	Yes	Oct. 5, 1885	240 Ohio St. April, 1885					
		Yes	Oct. 5, 1885	2500 Fifth Ave. April, 1885					
July 1, 1863	Not known Baltimore	No	Oct. 12, 1885	230 W. Adams April, 1885					
		Yes	Oct. 12, 1885	First Reg.					

SAMPLE PAGE OF REGISTER

**Enlisted men.** The adjutant general furnishes the secretary of state, thirty days before any general election for state officers, a register containing the names and addresses of all qualified electors enlisted in organized companies or regiments and absent from their election precincts on account of actual military service. (Hurd's Stat. 1919, ch. 46, par. 571.)

**Erased.** In the column marked "Erased," the word "Yes" is inserted and a line in ink drawn under the name of a party who has received a suspect notice and has not appeared at the hearing, or if the person has appeared and a majority of the registry board is of the opinion that he is not a qualified voter in the precinct. (Hurd's Stat. 1919, ch. 46, par. 203.)

**First registration,** see Residence when last registered.

**Inspection.** The registers are at all times open to public inspection in the office of the election commissioners without charge, which inspection must be made in the presence of a clerk of the election commissioners under the direction of the chief clerk. (Hurd's Stat. 1919, ch. 46, pars. 144, 222, 227.)

**Moving.** Election commissioners at intermediate registrations may correct the registers when a voter has moved from one place to another in the same precinct who appears before them and makes oath as to such moving. (Hurd's Stat. 1919, ch. 46, par. 211.)

**Name.** Every applicant's name is entered on the register alphabetically according to surname first and Christian name next, with "Yes" or "No" in the appropriate column to indicate whether or not he is qualified to vote. (Hurd's Stat. 1919, ch. 46, par. 197-3, 5 [2].)

**Precinct registers, printing.** Immediately upon receipt of the registers from the boards of registry, the election commissioners print a sufficient number of the register to meet all demands, arranging all unerased names on the register according to street, avenue, court or alley, commencing with the lowest number. (Hurd's Stat. 1919, ch. 46, par. 204.)

**Qualified voter.** This fact is determined by a majority of the board and entered as "Yes" or "No," as the case may be. Male persons who will be twenty-one years of age on the day of the next election, if otherwise qualified, as well as those who are of that age, are permitted to register. (Hurd's Stat. 1919, ch. 46, par. 197-4 [9].)



**Registering by affidavit.** Upon the filing of a registrant's affidavit, the board of election commissioners place the name of the registrant and the reason therefor in the original register of the proper precinct; and if previously registered, the transfer is noted upon the register of the precinct from which it is made. (Hurd's Stat. 1919, ch. 46, par. 494.)

**Remarks.** In the column "Remarks" are entered any answer that is deemed material but which is not responsive to a necessary question and the location in which an applicant has resided in a ward or precinct immediately before registration if less than thirty days prior to the day of election. (Hurd's Stat. 1919, ch. 46, par. 197-2, 5 [4].)

**Removals,** see Moving.

**Requirements, certificate.** The register is so arranged and ruled that the residence of the applicant appears in the first column, followed by separate columns headed, respectively, "Name," "Nativity," "Term of residence," with "At present address," "Precinct," "County," "State," "United States" as sub-columns, "Age," "Naturalized," "Date of Naturalization papers," "Court," "By Act of Congress," "Qualified voter," "Date of application of registry," "Residence when last registered," "Why disqualified," "Erased," "Restored," with "By commissioners," "By court," as sub-columns, "Vote challenged" and "Remarks." Under surnames, only one name on each line is entered alphabetically and no name

must be written between the lines. At the end of each register is attached a certificate in substance as follows:

We, the undersigned, judges of election in.....  
precinct of the ..... ward of the city of.....,  
in the state of Illinois, do jointly and severally cer-  
tify that at the general registration of electors in  
said election precinct on the ..... day of.....,  
there were registered by us in the said election pre-  
cinct the names which in this book are entered, and  
that the number of registered and qualified voters  
was and is the number of.....

Dated.....

.....  
..... } Judges of Election.  
.....

(Hurd's Stat. 1919, ch. 46, par. 197-5, 198, 200, 204.)

**Residence.** Under "Residence" is entered the number and name of the street, avenue or other location of the applicant's dwelling; if there be no definite number, a clear and distinct description of the place of dwelling to enable its ready ascertainment is given. If a number represents more than one house or more than one family resides in a house, flat or apartment, the particular house, flat or apartment, floor or room in which the applicant resides and whether front or rear is indicated. Applicants who have commenced to reside in a ward

or precinct at least thirty days before election are entitled to registration, but this must be noted as "qualified" or "disqualified," as the case may be. (Hurd's Stat. 1919, ch. 46, par. 197-4, 5 [1].)

**Residence when last registered.** Under this heading give the number of the residence and name of the street or avenue from which the applicant was last registered, if in the same city, village or town, and the month and year of the election for which there was a registration. If the present registration of the applicant is the first in the city, village or town, insert "first registration." (Hurd's Stat. 1919, ch. 46, pars. 197-5 [11].)

**Restoration.** In case of erasure and appeal to the county court and by that court ordered restored, the board of election commissioners should forthwith replace such name upon the proper register and indicate that it was entered by order of court. (Hurd's Stat. 1919, ch. 46, par. 494.)

**Revision and correction.** The revision, correction and completion of the register in places other than cities takes place on Tuesday of the week preceding the election from 9 o'clock in the morning to 4 o'clock in the afternoon, and in cities from 8 o'clock in the morning to 9 o'clock in the evening. In counties of the third class, the board of registry meet for the purpose of revising, correcting and completing the list on Tuesday three weeks before the election.

In cities, villages or incorporated towns of over 200,000 population, the board of registry meet on Saturday following the Tuesday three weeks preceding the general election, from 6 to 10 o'clock P. M., for the sole purpose of revising the register; in like municipalities of less than 200,000 inhabitants, such board meet on Monday and Tuesday following the canvass between the hours of 8 o'clock A. M. and 10 o'clock P. M. for the same purpose.

In cities of 200,000 inhabitants or more and in incorporated towns having a board of election commissioners, the registration books are revised three weeks before a primary, the same as in the case of an intermediate registration.

All persons residing and entitled to vote in an election precinct or district are entitled to be heard in relation to corrections or additions to the register.

Any person's name may be added to the register upon his appearance at the place of registration, giving his name, residence and such other information as would entitle him to vote; and if challenged, by making the proper oath in such cases.

Persons who appear and request to be registered at the time of revision of the register may be challenged by the judges or inspectors or by any elector whose name appears on the register.

The name of any person may be erased from the register upon proof of two legal voters of the election precinct or district that such person is a non-

resident of such district or that he is otherwise disqualified to vote in it at the next election. (Hurd's Stat. 1919, ch. 46, pars. 138, 139, 140, 203, 494.)

**Stamp**, see Changing register, etc.

**Verification, correction and certification of register.** At the close of each day's registration or revision, the judges and clerks examine, compare, correct and make the registers agree, sign their names at the end of each page and list immediately after the last entry and attach a certificate as to correctness at the end of each register. (Hurd's Stat. 1919, ch. 46, pars. 197, 197-5, 198, 200, 204.)

## REGISTRATION,

Absence or illness, see Registering by mail.

**Affidavit denying disqualifications.** A challenged applicant for registration makes affidavit before the board of registry who administer the oath without criticism, as follows:

State of Illinois, }  
 .....County. } ss.

I do solemnly swear that I am a citizen of the United States, am.....years of age, and that I have resided in the state of Illinois for the period of....., in the county of.....for the period of....., in the.....precinct of the.....ward in the city of....., said county and state, for the period of....., and at No.....street, in said precinct, for the period of.....,

and that I last registered in said city for the election of.....from No.....street, and that I have never been convicted of any crime (or if convicted, state the time and when pardoned by the Governor of any state).

.....  
 Subscribed and sworn to before me this.....  
 day of....., A. D. 19.....

.....  
 (Hurd's Stat. 1919, ch. 46, par. 199.)

**Answer, form, filing.** Registrants for an election whose names are sought to be erased from the register deliver to the commissioners an answer signed and sworn to before any of them, as follows:

State of Illinois, }  
 .....County. } ss.

To the board of election commissioners:

I do solemnly swear that I am a citizen of the United States, that I have resided in the state of Illinois since the.....day of....., and in the county of....., said state, since the.....day of....., and in the.....precinct of the.....ward, in the city of....., said county and state, since the.....day of....., and that I am..... years of age, that I am the identical person registered in said precinct under the name I subscribe hereto.

.....  
 Subscribed and sworn to before me this.....

day of....., A. D. 19.....

-----  
 -----  
 Registrants for a primary whose right to vote has been challenged, file before the board of election commissioners a written sworn answer, as follows:

State of Illinois, }  
 County of..... } ss.

In re application or challenge of right to vote at primary election to be held at.....

----- }  
 ----- } No. ....  
 ----- }

I, ....., do solemnly swear that I am a citizen of the United States; that I have resided in the state of Illinois since the.....day of.....A. D. 19...and in the county of....., said state, since the.....day of.....A. D. 19...and in the.....precinct of the.....ward in the city of....., said county and state, since the.....day of....., A. D. 19....; and that I am.....years of age; that I am the identical person registered in the said precinct for the primary under the name I subscribe hereto.

-----  
 Subscribed and sworn to before me this.....day of.....A. D. 19.....

-----  
 (Hurd's Stat. 1919, ch. 46, pars. 206, 494.)

**Appeal, application, hearing, review.** Persons whose names have been stricken from the register may appeal to the county court by written sworn application stating that the board of election commissioners have stricken their names from the list; whereupon, the county court hears evidence for and against the application in a summary manner and decides the case at once. The clerk of court makes a minute of the nature of the court's disposition and transmits a copy thereof to the board of election commissioners. If the county court refuses to hear the application on the Monday following a session, the court may enter an order to that effect and within five days of the entry of the order allow an appeal to the Supreme Court upon giving a \$250 appeal bond and presenting a certificate of evidence within the time fixed by the court. (Hurd's Stat. 1919, ch. 46, par. 494.)

**Application for registration, filing.** Applications for registration in case of refusal must be presented to the election commissioners in person between nine o'clock in the morning and five o'clock in the afternoon on Tuesday or Wednesday of the second week before election week. For registration on account of illness or absence from the city, the application must be received by the commissioners not later than noon of the day before the second registration day. (Hurd's Stat. 1919, ch. 46, par. 199.)

•



**Application for registration in case of refusal, form.** An applicant for registration who has been denied the right to register may make and sign the following written application:

State of Illinois, }  
 .....County. } ss.

To the board of election commissioners of.....  
 City:

I do solemnly swear that I, .....,  
 did on....., make application to the  
 board of registry of the.....precinct of.....  
 ward, of the city of....., and that said board  
 refused to register me as a qualified voter in said  
 precinct, that I reside in said precinct, am a duly  
 qualified voter and entitled to vote in said precinct  
 at the next election.

.....  
 Subscribed and sworn to before me this.....  
 day of....., A. D. 19.....

.....  
 (Hurd's Stat. 1919, ch. 46, par. 199.)

Challenge, see Answer, appeal, complaint, hearing, notice.

**Complaint or challenge.** Any voter present at the place of registration may challenge an applicant. A registered voter may also appear before the election commissioners during either day of registration and make oath that he believes that a certain person upon the registry is a disqualified voter; which fact must be noted by a cross or check mark

opposite the name of the person whose qualifications are questioned. So any qualified voter, between 9 o'clock A. M. and 6 o'clock P. M. of Monday and Tuesday of the week preceding election week, may apply for the erasure of any name upon the registry of his precinct by filing before the election commissioners a written application.

Eleven or twelve days previous to a primary, any primary elector may challenge the qualifications of a registrant for such primary.

In case of registration for an election, the oath or affidavit as to the disqualification of a registrant is as follows:

State of Illinois, }  
 .....County. } ss.

To the board of election commissioners:

I, being a qualified voter, registered from No..... street, in the.....precinct of the.....ward of the city (village or town) of....., do hereby solemnly swear (or affirm) that I have personal knowledge that.....registered from No.....street is not a qualified voter in the.....precinct of the.....ward of the city (village or town) of....., and hence I ask that his name be erased from the register of such precinct for the following reason.....

(Signed) .....

Subscribed and sworn to before me this.....

day of..... A. D. 19.....

.....

.....

The qualifications of a primary elector are challenged by an oath or affidavit, as follows:

State of Illinois, }  
 County of..... } ss.

To the board of election commissioners,  
 ....., Illinois.

(city)

Gentlemen:

I, ....., do hereby solemnly swear (or affirm) that I am informed and believe that.....is not a qualified voter in the .....precinct of the.....ward of the city (village or town) of.....and that said..... will not be a qualified voter of such precinct and ward on the.....day of.....A. D. 19....., and hence ask that his name be erased from the registers of such precinct.

.....

Subscribed and sworn to before me this.....  
 day of.....A. D. 19.....

.....

(Hurd's Stat. 1919, ch. 46, pars. 199, 205, 206, 219, 494.)

**County seat election.** No special registration is required for holding a county seat election. (Hurd's Stat. 1919, ch. 34, par. 101.)

**Deceased persons.** Under the City Election Law, a monthly list or report of deaths that have occurred during the previous month is furnished the election commissioners by the chief or clerk in charge of vital statistics within a city, town or village. (Hurd's Stat. 1919, ch. 46, par. 186.)

**First registration.** The Saturday preceding the Tuesday four weeks before an election for general state, county, city, village or town officers the board of registration and the election clerks first meet in each precinct at a place designated for the purpose of making a general registration of all voters in the precinct; and on Tuesday three weeks before such election said board meets from eight o'clock in the morning to nine o'clock in the afternoon to register all applicants who apply in person and who have made application on account of absence or sickness. (Hurd's Stat. 1919, ch. 46, pars. 197, 200.)

**General registration.** New general registrations are made on the same dates and at the same places as first registrations. (Hurd's Stat. 1919, ch. 46, par. 197.)

**Hearing, subpoenas and witnesses, decision.** In applications for registration for an election and challenges of registrants, hearings are held between 10 o'clock A. M. and 9 o'clock P. M. on Tuesday, Wednesday and Thursday immediately preceding the election. In applications for registration for a primary and challenges of registrants, hearings are

held on Monday, Tuesday and Wednesday preceding the primary.

At which hearing witnesses may be sworn and heard on behalf of either party and subpoenas may be issued for them. Immediately after the hearing a decision is announced and the name of the registrants is either permitted to remain upon or is forthwith erased from the register, according to the merits of the application or challenge.

An application is dismissed if the applicant fails to appear or show cause. (Hurd's Stat. 1919, ch. 46, pars. 206, 494.)

**Intermediate registration.** In even numbered years from and after the November election and including the thirtieth day of September next following even numbered years an intermediate registration is conducted at the office of the board of election commissioners during business hours of each day, except Sundays and legal holidays and excepting the twenty-eight days preceding regular election.

Any legal voter of a precinct may appear and register at the office of the board of election commissioners at least ten days before any special or judicial election. (Hurd's Stat. 1919, ch. 46, pars. 211, 221.)

**Judicial election,** see Intermediate registration.

**Kinds of registration.** Registrations are either first, general or intermediate. The "first registra-

tion" is that which first takes place after the adoption of the City Election Law. "General registrations" are conducted every year just prior to a congressional election. "Intermediate registrations" are those carried on from and after the November election in each even numbered year and until and including the thirtieth of September following at the office of the board of election commissioners.

All registrations are conducted in the same way and under the same forms as in case of the first registration. (Hurd's Stat. 1919, ch. 46, pars. 197, 210, 211.)

**List of registrants, posting, primary.** A list containing the names and addresses of persons registered for a primary by affidavit or affirmation is posted at each polling place by the board of election commissioners at least five days before the primary. (Hurd's Stat. 1919, ch. 46, par. 494.)

**Notice of challenge, service, return.** At least one day before appearance day, a notice of an application to erase one's name from the register, with a demand to appear before the board of election commissioners to show cause why the name shall not be erased from the register, is personally served on the registrant or left at his place of residence by messenger, who makes affidavit as to the time and manner of serving the notice; and at least two days before appearance day, the election commissioners mail postage prepaid a copy of such notice and demand to the registrant as well as to the person

or persons who filed the complaint or challenge. (Hurd's Stat. 1919, ch. 46, pars. 205, 494.)

**Oath, fee.** Persons who present themselves for registration take an oath or affirmation as follows: "You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, your qualifications as an elector, and your right as such, to register and vote under the laws of this State."

No fee or compensation can be charged or received for administering an oath to affidavits of unregistered voters. (Hurd's Stat. 1919, ch. 46, pars. 141, 197-1.)

Objections, see Complaint.

**Police protection.** Election commissioners may demand of the chief of police or the sheriff the assignment of policemen and deputy sheriffs to any place or places of registration or to any polling place or to any meeting of the commissioners. (Hurd's Stat. 1919, ch. 46, par. 184.)

**Preserving order.** The board of registration has the same power to preserve order at its meetings as is given to judges or inspectors of elections on election day. (Hurd's Stat. 1919, ch. 46, par. 146.)

**Previous registration.** Every person offering himself for registration before election commissioners must be asked whether he was or is regis-

tered in any other precinct. (Hurd's Stat. 1919, ch. 46, par. 211.)

**Procedure.** Upon the convening of the board of registration, the registers are placed in charge of one of the election judges and the clerk of election. Another judge assumes the administration of the oath or affirmation to all registrants. The third judge takes up the duty of asking questions as to qualifications. After the first interrogation, either of the judges may ask as many questions as he may deem necessary to fully determine the applicant's qualifications. The clerks of election make all entries. Whenever necessary, any judge of election may relieve an election clerk in making the entries in the register. (Hurd's Stat. 1919, ch. 46, par. 197-2.)

**Registers, number.** Each board of registration is furnished by the election commissioners two registration books. (Hurd's Stat. 1919, ch. 46, par. 197.)

**Registering by mail.** A voter who has been unable to register on the first registration day and is unable to go to the polls on the second registration day on account of absence from the city or sickness may make application to the election commissioners himself or through another and answer questions and certify the answers to be correct on a blank provided for that purpose, substantially in this form:

State of Illinois, }  
 .....County. } ss.

Before the Board of Election

commissioners of.....city:



I,....., do solemnly swear that I am a legal voter in the.....precinct of the.....ward in the city of....., Illinois, and that by reason of..... I was unable to be present at the polling place in said precinct on the last day of registration, and will, by reason of.....be unable to be present on the next day of registration.

.....  
 Subscribed and sworn to before me this.....  
 day of....., A. D., 19.....

.....  
 This may be executed before any clerk of a court of record if affidavit is made on account of illness or absence from the city. (Hurd's Stat. 1919, ch. 46, par. 199.)

**Registering by affidavit.** In cities of less than 200,000 inhabitants having a board of election commissioners, persons who will become primary electors at or before a primary and whose names do not appear on the register may have their names placed thereon by making and filing with the board of election commissioners twenty days previous to the primary an affidavit or affirmation giving the applicant's name, place and date of nativity, duration of present residence in the precinct, county, state and United States, and if a naturalized citizen, specifying the court or city where naturalized, if the court is not known, and giving the place of the last residence if previously registered; which affidavit or affirma-

tion is upon a form prepared by, and is filed with, the board of election commissioners. (Hurd's Stat. 1919, ch. 46, par. 494.)

**Registration days.** In cities not under election commissioners, the board of registry meets at 9 o'clock in the forenoon on Tuesday three weeks preceding any state election for the purpose of making a register or list of voters, except in counties of the third class, the first day of registration is on Saturday immediately preceding the Tuesday four weeks before election and the second registration day is on Tuesday three weeks before election.

In cities having election commissioners, the first general registration is prepared for and conducted after the first organization of the board. Registration commences on registration day at 8 o'clock in the morning and continues until 9 o'clock in the afternoon. (Hurd's Stat. 1919, ch. 46, pars. 135, 177, 197.)

**Registration place.** Under City Election Law, election commissioners appoint and fit up in each ward or precinct in a most public, orderly and convenient portion of the city, village or town in a building in which no spiritous or intoxicating liquor is being sold a place of registry, cause it to be warmed, lighted and cleaned and give public notice of the designation of all places of registry. (Hurd's Stat. 1919, ch. 46, par. 184.)

**Reinstatement,** see Restoration, etc.

**Restoration, application for, election commissioners.** In cities of more than two hundred thousand population, a sworn application for the restoration of one's name upon the register may be made before the election commissioners on Tuesday or Wednesday following revision of the register, between nine o'clock A. M. and six o'clock P. M. (Hurd's Stat. 1919, ch. 46, pars. 203, 219.)

**Return.** Two registers, including the applications for registration, affidavits with the questions and answers, are returned to the election commissioners by noon of the day following registration. (Hurd's Stat. 1919, ch. 46, pars. 199, 204.)

**Road district.** No registration of voters is required for road district elections. (Hurd's Stat. 1919, ch. 121, par. 45.)

**School elections.** Registration is unnecessary for school elections. *Bloome v. Hograeff* (1901), 193 Ill. 195, 198.

**Special election,** see Intermediate registration.

**Suspect parties, affidavit.** Persons who have received suspect notices may appear before the board of registry or the election commissioners during their session and make an affidavit, as follows:

State of Illinois, }  
 .....County. } ss.

I do solemnly swear that I am a citizen of the United States, and that I have resided in the.....

precinct of the.....ward in the city of.....  
 and the county of.....and the state of Illinois,  
 since the.....day of.....and that I have  
 never been convicted of any crime (or if convicted,  
 state the time and when pardoned by the governor  
 of any state.)

.....  
 Subscribed and sworn to before me this.....  
 day of....., A. D., 19.....

.....  
 Member of Board of Registry or  
 Election Commissioners or Clerk  
 (Hurd's Stat. 1919, ch. 46, par. 203.)

**Suspect parties, hearing.** After a voter who has received a suspect notice has made affidavit as to his qualifications, he is personally interrogated by the board of registry or election commissioners, who may send one or both canvassers to the person's residence for further investigation and report. (Hurd's Stat. 1919, ch. 46, par. 203.)

**Towns and villages.** No personal registration is required in towns and villages by express provision of the statute. (Hurd's Stat. 1919, ch. 139, par. 68.)

Villages, see Towns and villages.

**Women.** Women are required to register the same as men. (Hurd's Stat. 1919, ch. 46, par. 548.)

## REGISTRATION AND EDUCATION DIRECTOR AND ASSISTANT,

Appointment and term of office, see Governor, civil administrative officers.

**Qualification.** Affiliation with any college or school of medicine, pharmacy, dentistry, nursing, optometry, embalming, barbering, veterinary medicine and surgery, architecture, or structural engineering, either as teacher, officer or stockholder, or the holding of a license or certificate to exercise or practice any of the professions, trades or occupations regulated, disqualifies a person from appointment as director, assistant director, or as superintendent of registration. (Hurd's Stat. 1919, ch. 24 $\frac{1}{2}$ , par. 7.)

#### REGISTRATION SUPERINTENDENT,

Appointment and term of office, see Governor, civil administrative officers.

Qualifications, see Registration and education director and assistant director.

#### REMOVAL OF COUNTY SEAT, see COUNTY SEAT ELECTION.

#### REPORTER SUPREME COURT.

The Supreme Court appoints one reporter of its decisions for a term of six years, but subject to removal at any time. (Const. 1870, art. VI, sec. 9.)

#### REPRESENTATIVE IN CONGRESS, see CONGRESSMAN.

#### REPRESENTATIVE IN THE GENERAL ASSEMBLY,

**Election.** Members of the House of Representatives will be elected in the fall of 1922 and every

two years thereafter. (Hurd's Stat. 1919, ch. 46, par. 15.)

**Election contest.** The nomination for representative in the General Assembly may be contested by filing with the clerk of the circuit court a written petition and with the proper canvassing board a written notice as in other cases of election contest. (Hurd's Stat. 1919, ch. 46, par. 544.)

**Independent candidates.** Nomination for representative in the General Assembly may be made by petition as an independent candidate. (Hurd's Stat. 1919, ch. 46, par. 545.)

**Nominating petition, signers.** At least one-half of one per cent of the qualified primary electors of a candidate's party is necessary to a nominating petition for the office of representative in the General Assembly; which percentage is based upon the total vote cast by his party in the senatorial district at the election for governor immediately preceding the primary. (Hurd's Stat. 1919, ch. 46, par. 537.)

**Nominating petition, filing.** Nominating petitions for representative in the General Assembly are filed with the secretary of state between forty and sixty days previous to date of primary, and are endorsed with the day and hour of filing. (Hurd's Stat. 1919, ch. 46, par. 538.)

A petition of a candidate for the Legislature in a district wholly within a county is filed with the

county clerk and not with the secretary of state. (1919-20 Atty. Gen. Rep. 138.)

**Nomination.** Candidates for representative in the General Assembly will be nominated at a legislative primary on Wednesday after the second Tuesday in April, 1922, and every two years thereafter. (Hurd's Stat. 1919, ch. 46, pars. 532, 535 as amended.)

In most, if not all, of the senatorial districts of this state since the adoption of the Constitution of 1870, the practice has been for the senatorial committee of the minority party to determine upon one, and for the committee of the majority party to limit to two, candidates for representative in the General Assembly, and at the election for the party voters to cumulate their votes upon their respective nominees. *Rouse v. Thompson* (1907), 228 Ill. 522, 545.

**Qualification.** A candidate for representative in the General Assembly must have attained the age of twenty-one, must be a citizen of the United States, be a resident of the state for five years and of his district for two years next preceding his election, and must not be a judge or clerk of a court, secretary of state, attorney general, state's attorney, recorder, sheriff or collector of public revenue, member of either house of Congress or person holding any lucrative office under the United States or this state or any foreign government, nor have been convicted of bribery, perjury or other infamous

crime, or be guilty of embezzlement; and when elected during his term he cannot be appointed by the Governor, the Governor and the Senate, or by the General Assembly to any other civil office within the State. (Const. 1870, art. 4, §§ 3, 4, 15.)

**Number of representatives.** At present there are one hundred and fifty-three members in the House of Representatives, three times the number of the members in the Senate. (Const. 1870, art. 4, pars. 7, 8.)

Vacancy, see State senator.

**Withdrawal, date, requirements.** Not less than thirty-five days before a primary a candidate for representative in the General Assembly may withdraw his candidacy by filing with the secretary of state a withdrawal in writing, signed and acknowledged by him. (Hurd's Stat. 1919, ch. 46, par. 538.)

## RESIGNATIONS,

Elective officers may send their resignations to the officer who, or the court or county board which has the power to fill the vacancy by appointment or by ordering an election. (Hurd's Stat. 1919, ch. 46, par. 124.)

## ROAD DISTRICT CLERK,

**Clerk of elections.** In counties not under township organization, the road district clerk is ex officio clerk of election in road district elections. (Hurd's Stat. 1919, ch. 121, par. 45.)



**Eligibility.** No one is eligible to the office of road district clerk unless he is a legal voter and has been a resident in the town or district for one year. (Hurd's Stat. 1919, ch. 121, par. 42 [D].)

**Election.** In counties under township organization, the town clerk is ex officio road district clerk; in counties not under township organization a road district clerk is elected the first Tuesday in April for a two year term. (Hurd's Stat. 1919, ch. 121, pars. 42 [B], 43.)

**Election notice.** The district clerk is required to transmit within ten days after the canvass of the votes, to each person elected to a district office, a notice of his election. (Hurd's Stat. 1919, ch. 121, par. 45.)

**List of district officers.** Within twenty days after an election the district clerk files in the office of the county clerk a list of the names of all the district officers elected and who have qualified. (Hurd's Stat. 1919, ch. 121, par. 45.)

**Resignation.** "Any district officer" may tender his resignation to a justice of the peace residing in the district, or if there be no such justice, to any justice in the county, who may, upon sufficient cause shown, accept such resignation. Upon receipt of notice from a justice of the peace of the acceptance of a resignation, the district clerk must make a minute thereof upon the district records. (Hurd's Stat. 1919, ch. 121, par. 49.)

**Treasurer road fund.** In counties not under township organization, the road district clerk is ex officio treasurer of the road and bridge fund. (Hurd's Stat. 1919, ch. 121, par. 42 [C].)

**Vacancies.** Immediately upon the occurring of a vacancy in a district office, the district clerk must notify the county clerk of the existence of such vacancy. (Hurd's Stat. 1919, ch. 121, par. 49.)

#### ROAD DISTRICT OFFICERS,

In counties not under township organization, the road district officers are a highway commissioner and a district clerk who is also ex officio treasurer: in counties under township organization, the road officers are a supervisor who is ex officio treasurer, a highway commissioner and the town clerk who is ex officio district clerk. (Hurd's Stat. 1919, ch. 121, par. 42.)

#### RULES AND REGULATIONS,

**Election commissioners.** Election commissioners prescribe all necessary rules and regulations concerning the registration of voters and the conduct of elections in harmony with the City Election Law. (Hurd's Stat. 1919, ch. 46, par. 189.)

#### SANITARY DISTRICT TRUSTEES,

**Election.** Three sanitary district trustees in districts created under the Desplaines and Illinois Rivers Sanitary Districts Act of 1889 are elected at

every regular county election in November, who, with six others previously elected, constitute the sanitary district board.

Districts organized under the Sanitary District Act of 1907 have a board of five sanitary trustees who are elected on the Tuesday after the first Monday in November in the year their terms expire and every four years thereafter. (Hurd's Stat. 1919, ch. 24, par. 345; ch. 42, par. 217.)

**Nominating petition, signatures, filing.** Half of one per cent. of the qualified primary electors' signatures of the candidate's party in the district is necessary to a nominating petition for the office of trustee of a sanitary district; which petition is filed with the secretary of state between forty and sixty days prior to the date of the primary, if the sanitary district comprises territory greater than a county; the petition is filed with the county, city, village or town clerk during the period of time required for the filing of other nominating petitions in their respective offices, if the sanitary district is wholly within the jurisdiction of a county, city, village or town.

**Nomination.** Candidates for trustees of a sanitary district are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Term of office.** Trustees of sanitary districts created under the Desplaines and Illinois Rivers Sanitary District Act of 1889 hold office for a term of

six years and until their successors are elected and qualified.

Persons elected sanitary district trustees under the Sanitary District Act of 1907 hold office for a term of four years, commencing the first Monday in December following their election and until their successors are elected and qualified. (Hurd's Stat. 1919, ch. 24, par. 345; ch. 42, par. 217.)

**Vacancy.** In case of vacancy in the office of sanitary district trustee within one year before the expiration of the term, the vacancy is filled by appointment by the board of trustees; when the unexpired term exceeds one year, the Governor calls a special election to fill the vacancy, notifying the county clerk of each county in which the district is situated. (Hurd's Stat. 1919, ch. 24, par. 345; ch. 42, par. 217.)

A vacancy occurring in the office of president of the board of sanitary district trustees is filled by the board from one of their number and until it is filled by an election, if an election be necessary. (Hurd's Stat. 1919, ch. 24, par. 345.)

## SCHOOL DIRECTORS,

**Appointment.** In cities containing less than 45,000 inhabitants and where members of the city council are ex officio school directors, the mayor by and with the advice and consent of the city council appoints one person from each ward and one from the city at large as school directors, who, with the

director whose term has not expired, constitute the school directors of the district. (Hurd's Stat. 1919, ch. 122, pars. 309, 310.)

**Election.** In school districts not governed by special act and having less than 1,000 inhabitants, after the first election, one director is annually elected on the second Saturday of April.

In case of a small attendance of voters or a majority of the voters present desire it, the election may be postponed until the next Saturday at the same time and place.

An election may be held on any Saturday upon notice if the notice of the election is not given according to statute. (Hurd's Stat. 1919, ch. 122, pars. 103, 106, 108.)

In cities or villages whose directors are elected under special charter school directors may be elected at the same time and manner as these officers are elected under the School Law. (Hurd's Stat. 1919, ch. 122, par. 348.)

In all school districts in which the time for election is fixed by special charter, the school directors are elected at the time specified by the general school laws. (Hurd's Stat. 1919, ch. 122, pars. 479, 480.)

**Number of directors.** A board of directors of a school district consists of three members. (Hurd's Stat. 1919, ch. 122, pars. 60, 103.)

**Qualification.** A candidate for school director must not be under twenty-one years of age, must

be a resident of the school district, able to read and write the English language, and must not be a treasurer or a trustee of schools. (Hurd's Stat. 1919, ch. 122, par. 105.)

**Term of office.** School directors are elected for a three-year term. (Hurd's Stat. 1919, ch. 122, par. 106, as amended.)

**Vacancy.** A vacancy in the office of school director is filled by special election held on a Saturday. (Hurd's Stat. 1919, ch. 122, par. 106.)

## SCHOOL ELECTIONS,

**Election dates.** Trustees of schools are elected annually on the first Tuesday in April in towns whose boundaries coincide with those of townships; and on the second Saturday in April in towns whose boundaries do not coincide with those of townships.

The election may be held on any Saturday in case of vacancies or in townships in which for any cause there are no school trustees. (Hurd's Stat. 1919, ch. 139, par. 51; ch. 122, par. 22.)

**High school district, election to discontinue, assets and liabilities.** An election to discontinue a high school district may be held within a year of its establishment; and if the vote is for discontinuance, the district is not absolutely dissolved but continues until its assets are divided and all of its liabilities are settled. *Chalstran v. Board of Education* (1910), 244 Ill. 470, 474, 479.

**Law governing.** In municipalities of less than thirty-five thousand population, school elections are conducted under sections 123 to 126a, both inclusive, of the School Law. (Hurd's Stat. 1919, ch. 46, par. 189.)

**Returns, delivery.** The township treasurer is the proper officer to receive the returns in school elections.

**School site and bond issue, proposition.** The selection of a school site and the issuance of bonds to raise funds with which to purchase it when selected are separate and distinct and should not be joined and submitted as one proposition, thereby compelling a voter who favors one to also favor the other, or when opposed to one to also oppose the other. *O'Connor v. Evanston High School District* (1919), 288 Ill. 240, 246.

**Site, proposition to select, re-submission.** A proposition to select a school house site may be re-submitted at a second or subsequent election if no site had been selected at the previous election. *School Trustees v. Harshman* (1914), 262 Ill. 72, 75.

**Township high school, establishment.** In the establishment of a township high school for two or more townships or school districts, there must be an election based upon a separate petition filed in each township or district, so that their respective voters will not have to go out of their jurisdiction to cast their ballots. *People v. Dunlap* (1911), 248 Ill. 154, 156.

## SCHOOL INSPECTORS,

In cities that include two school districts whose free schools are operated under special acts and governed by a board of school inspectors, six inspectors, three for each district, and one inspector at large are elected at the same time as school directors under the School Law for a term of three years. (Hurd's Stat. 1919, ch. 122, pars. 355, 480.)

It is not clear from the statute whether the board of inspectors is to consist of six or seven persons. The requirement that there shall be three inspectors for each district and one inspector at large makes it certain that the board is to consist of seven inspectors, although the statute specifically says that there shall be a board of six members.

## SCHOOL OFFICES,

**Term of office.** School officers hold their respective offices until successors are elected and qualified. (Hurd's Stat. 1919, ch. 122, par. 265.)

**Women.** Women of twenty-one years of age and over who are legal voters are eligible to hold office under the general or special school laws of the state. (Hurd's Stat. 1919, ch. 122, par. 269.)

## SCHOOL TREASURER,

**Election.** A school treasurer who is also ex officio clerk of the board is elected by the trustees biennially in odd-numbered years. (Hurd's Stat. 1919, ch. 122, par. 67.)



**Qualification.** A candidate for school treasurer must be a resident of the township and must not be a trustee or director. (Hurd's Stat. 1919, ch. 122, par. 67.)

**Term of office.** A person elected school treasurer holds office for a term of two years. (Hurd's Stat. 1919, ch. 122, par. 67.)

**Vacancy.** In case of vacancy, the school trustees elect a treasurer for the unexpired term. (Hurd's Stat. 1919, ch. 122, par. 67.)

#### SCHOOL TRUSTEES,

The office of school trustee is elective and not appointive. (1919-20 Atty. Gen. Rep., 274.)

**Election.** In townships having boundaries coextensive with incorporated towns, an annual election for a school trustee is held at the same time as for town officers; in townships whose boundaries do not coincide with those of towns, such an election is held on the second Saturday of April. In case of vacancy or a first election, the election may be held on any Saturday.

In case of small attendance of voters or if a majority of the voters present desire it, the election of a school trustee may be postponed by the trustees or judges of election until the next Saturday at the same place and hour. (Hurd's Stat. 1919, ch. 122, pars. 22, 23, 31, 32.)

**Nominating petition, filing, certification.** In townships of 20,000 inhabitants or over, a person seeking nomination and election as school trustee must file, ten days prior to election, with the township treasurer or the county clerk in case of a first election, a petition signed by at least twenty-five legal voters of the school township. In townships which lie wholly or partially within a municipality having a board of election commissioners, the township treasurer is required to certify, eight days before election, all nominations for school trustee to the election commissioners. (Hurd's Stat. 1919, ch. 122, par. 22, as amended.)

**Number of trustees.** The school business of a congressional township is transacted by three school trustees. (Hurd's Stat. 1919, ch. 122, pars. 19, 20.)

**Qualification.** A candidate for township school trustee must not be under twenty-five years of age, must be a resident of the township but not of the same school district with another candidate when the two if elected would reside in the same school district in a township consisting of three or more school districts. (Hurd's Stat. 1919, ch. 122, par. 21.)

**Term of office.** A person elected township school trustee holds office for a term of three years. (Hurd's Stat. 1919, ch. 122, par. 32.)

**SECRETARY ILLINOIS COMMERCE COMMISSION,**

The secretary of the Illinois Commerce Commission is appointed by the Governor in the same manner and for the same term as are members of the commission. (Commerce Commission Law, 1921, § 2.)

**SECRETARY OF STATE,**

**Certificate of election,** see State central committee, also National nominating conventions, delegates, etc.

**Certification of judicial candidates.** Fifteen days before election, the secretary of state certifies to the various county clerks the name or names of the persons nominated at judicial conventions. (Hurd's Stat. 1919, ch. 46, par. 553.)

**Certification of candidates.** Twenty-seven days previous to a primary, the secretary of state certifies to each county clerk the names of candidates for offices other than state and for state offices, including those for President and Vice-President of the United States, to be voted for in the county, in the following manner:

In case of offices other than state, the secretary of state certifies to the county clerk or county clerks the names of all candidates for office in the order in which their nominating petitions have been filed.

In case of state offices, the names of candidates are rotated according to alphabet by senatorial dis-

tricts, commencing with the first district and certifying to the county clerk or county clerks the names of all candidates in alphabetical order; in the second district, by certifying as first the name of the candidate which was second in the first senatorial district and as last the name that was first in the first senatorial district; in the third district by certifying as first the name of the candidate which was second in the second senatorial district and as last the name of the candidate which was first in the second senatorial district; following the same order of certifying all of the remaining senatorial districts, until the names of the candidates have exhausted the senatorial districts when the rotation is repeated with the next senatorial district as in the first place. Thus assuming that the state officers are A B and C; in the first senatorial district the letters would appear in alphabetical order; in the second district, the letters would appear as B C A; in the third district as C A B; and in the fourth district, they would appear as A B C, the same as in the first district. (Hurd's Stat. 1919, ch. 46, par. 482.)

**Certification of senatorial committeemen, state senators and representatives.** Thirty days previous to a legislative primary the secretary of state certifies to the various county clerks in the order in which the petitions were filed the names of all candidates for senatorial committeeman, state senator and representative, except those who have with-

drawn, stating their political affiliation and indicating their position upon the primary ballot. (Hurd's Stat. 1919, ch. 46, pars. 538, 539, 541.)

**Certified statement of primary votes, publication,** see State primary canvassing board.

**Certifying primary candidates.** The names and political affiliation of all candidates for members of the state central committee, for delegates and alternate delegates to national nominating conventions showing the name of the candidate for President of the United States for whom there has been filed a preference or the words "No preference" in case no preference has been declared, and for all offices specified in nominating petitions which are to be voted in for the county, the secretary of state certifies to the county clerk of each county not less than thirty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, par. 482.)

**Court of claims.** The secretary of state is ex officio secretary of the court of claims. (Hurd's Stat. 1919, ch. 37, par. 335.)

**Depositions.** Depositions in an election contest of a state officer received by the secretary of state are on or before the second day of the session next after their receipt delivered unopened, together with a copy of the notice deposited with him by the contestant, to the presiding officer of the branch of the General Assembly to which the contest relates. (Hurd's Stat. 1919, ch. 46, par. 110.)

**Election.** In the fall of 1924 and quadrennially thereafter, there will be elected a secretary of state. (Hurd's Stat. 1919, ch. 46, par. 7.)

**Election envelopes.** In ample time of each general election, the secretary of state furnishes the various county clerks election envelopes bearing his name and address printed in plain legible type, with a blank space or form for the designation of the county, voting precinct or district and the date of the election for which the envelopes are to be used, and the words "poll book and tally list only" printed thereon. (Hurd's Stat. 1919, ch. 46, par. 62.)

**Election returns.** Election returns are kept by the secretary of state for one year. (Hurd's Stat. 1919, ch. 46, par. 62.)

**Lists of election districts or precincts.** It is the duty of the secretary of state to receive and keep correct lists of all election districts or precincts sent him by county clerks on or before the first day of September in any year in which there is a redivision or readjustment of such places. (Hurd's Stat. 1919, ch. 46, par. 30.)

**Nominating petition, signatures, filing.** A nominating petition for the office of secretary of state must have not less than one nor more than two thousand of his party's primary electors' signatures and filed in the office of the secretary of state not more than sixty days nor less than forty days prior

to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for secretary of state are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Nomination canvassing board.** The secretary of state is a member of the trial board that hears and passes upon objections to nominations for state offices. (Hurd's Stat. 1919, ch. 46, par. 297.)

**Nominations, certification.** Fifteen days before election, the secretary of state certifies to the respective county clerks, the name, office and affiliation of each person nominated and to be voted for in the county. (Hurd's Stat. 1919, ch. 46, pars. 300, 510.)

A nomination made under an invalid law cannot be made the basis of certification. (1919-20 Atty. Gen. Rep., 828.)

**Qualification.** A candidate for the office of secretary of state when elected must reside at the seat of government and during his term is ineligible for any other office. (Const. 1870, art. 5, §§ 1, 5.)

**State canvassing board.** The secretary of state is a member of state canvassing board. (Hurd's Stat. 1919, ch. 46, par. 78.)

**State library.** The secretary of state is ex officio commissioner and librarian of the state library. (Hurd's Stat. 1919, ch. 128, pars. 1, 3.)

**Statement and suggestions, public measure.** It is the duty of the secretary of state to prepare and submit to the Attorney General for approval and to certify to each county clerk after approval the statement and suggestions regarding a constitutional amendment or public measure before its submission to the people for a vote upon it. (Hurd's Stat. 1919, ch. 7a, pars. 9, 10.)

**Substituted nominees.** The names of substituted nominees are furnished by the secretary of state to the proper judges of election immediately upon verifying the certificate of nomination to supply vacancies. (Hurd's Stat. 1919, ch. 46, par. 299.)

**Vacancies.** In case of a vacancy in the office of Governor and Lieutenant Governor, and there is no officer performing the duties of Governor, see Vacancies, Governor and Lieutenant Governor, etc.

**Vacancy.** A vacancy in the office of secretary of state is filled by appointment by the Governor, the appointee holding his office until the remainder of the term and the election and qualification of a successor. (Const. 1870, art. 5, § 20; Hurd's Stat. 1919, ch. 46, par. 128.)

**Voting machines.** The secretary of state is ex officio a member of the board of voting machine commissioners. (Hurd's Stat. 1919, ch. 46, par. 432.)

**War ballots and supplies, printing and transmission.** The official war ballots, poll books, poll lists,



tally sheets, copies of the Military Service Absent Voters' Act and all other blanks and forms necessary for the conduct of an election at a camp are sent by the secretary of state to the commanding officer of the proper company or regiment, together with a copy of the register prepared from the report of the Adjutant General. (Hurd's Stat. 1919, ch. 46, pars. 572, 573.)

**War ballots, packages containing.** Upon receipt of packages containing the envelopes and poll books from camps, the secretary of state immediately forwards them to the county clerks of the respective counties wherein reside the voters who are absent on account of military service. (Hurd's Stat. 1919, ch. 46, par. 580.)

As soon as possible after state officers have been nominated, the secretary of state prepares and prints the necessary number of official war ballots. (Hurd's Stat. 1919, ch. 46, par. 572.)

#### SENATORIAL APPORTIONMENT,

Acts of 1882 and 1893 complied with the constitutional requirements with reference to compactness of territory and equality of population. *People v. Thompson* (1895), 155 Ill. 451, 460.

**Apportionment Act, constitutional requirements.** In making an apportionment, the Legislature must comply with positive as distinguished from discretionary constitutional requirements in respect to county lines, the division of counties, the minimum

number of inhabitants necessary to form a district, the contiguity of territory in forming districts, and the application of the principles of compactness of territory and approximate equality of population above the minimum fixed by the Constitution. As to what approximation can or shall be made toward perfect compactness of territory and equality of population is discretionary. It is not necessary that there shall be close approximation to perfect compactness of territory in the sense of equal nearness of its parts to a common center, as in a circle or in a square; nor is it essential that there shall be the nearest possible mathematical approach to equality of population, but only that there shall be some approximation of each, as the one bears upon the other, taking into consideration the irregularities in the sizes and boundaries of the different counties and the great differences in population of the various counties. *People v. Thompson* (1895), 155 Ill. 451, 477, 479.

Apportionment Act of 1901, which is based upon the 1900 Federal census, meets with the absolute constitutional requirements as well as those relating to equality of population and compactness of territory and is valid. *People v. Carlock* (1902), 198 Ill. 150.

**Apportionment Act, validity.** Inequalities in an Apportionment Act where no civil or property right is involved cannot be corrected by a court of equity, as that court has no authority or jurisdiction to

interpose for the protection of purely political rights. *Fletcher v. Tuttle* (1894), 151 Ill. 41, 57.

**Legislative discretion, review.** In making a senatorial apportionment the legislature exercises a fair and honest judgment and impartial discretion toward the attainment of a practical and reasonable approximation of equality in population and compactness of territory, which discretion is not open to judicial review. *People v. Carlock* (1902), 198 Ill. 150, 157.

**Time of making, Federal census.** A valid senatorial apportionment can be made only but once after the taking of a Federal census, which apportionment must stand until the next enumeration of the Federal authorities; and it is not necessary that a full period of ten years shall intervene between every apportionment. The power to make an apportionment during the operation of a Federal census is continuous until exercised. *People v. Carlock* (1902), 198 Ill. 150, 153, 155.

#### SENATORIAL COMMITTEE,

**Meeting to organize, notice.** The outgoing chairman notifies the members elected as senatorial committeemen of the time and place of the meeting to organize. (Hurd's Stat. 1919, ch. 46, par. 536.)

**Membership and selection.** In senatorial districts composed of three or more counties one member is elected from each county; in senatorial districts

comprising two counties, two of the members are elected from the county in which the political party at the general election for state and county officers then next preceding a primary polled the larger number of votes and one of the members from the other county of such district; and in senatorial districts consisting of one county, or partly within the territorial limits of one county and partly within the territorial limits of another county, three members shall be elected from such senatorial district. (Hurd's Stat. 1919, ch. 46, par. 536.)

**Organization, chairman and other officers.** Within thirty days after election a senatorial committee is organized by the selection of a chairman and such other officers as may be deemed necessary or expedient, the chairman being selected from the membership of the committee and the other officers being chosen from such membership or otherwise. (Hurd's Stat. 1919, ch. 46, par. 536.)

**Organization.** It is appropriate but not absolutely necessary to the validity of its acts that the senatorial committee organize within thirty days of its election. *People v. Deneen* (1912), 256 Ill. 436, 441.

**Representatives, number of.** The number of candidates for representative in the General Assembly to be nominated by a political party are determined by resolution at a meeting of its senatorial committee, held thirty-three days previous to the date of the primary. (Hurd's Stat. 1919, ch. 46, par. 542.)

**Representative in the General Assembly, number of candidates, designation.**

To the state primary canvassing board :

This is to certify pursuant to a call the senatorial committee of the.....senatorial district of Illinois met at the office of....., ....., Illinois, on the.....day of.....19..... The entire committee, consisting of....., ..... County, Illinois, ....., ..... County, Illinois, and....., of ..... County, Illinois, being present. The following is a copy of a resolution that was introduced, discussed and adopted by the committee unanimously—

Be it resolved by the senatorial committee of the.....senatorial district of the state of Illinois, representing the ..... party, that.....candidate shall be nominated by the party for representative in the General Assembly for the.....senatorial district of the state of Illinois at the primary election to be held on the .....day of....., 19.....

Dated at ....., Illinois, this..... day of ....., 19.....

.....  
**Chairman.**

Attest :

.....  
 Secretary.

People v. Deneen (1912), 256 Ill. 436, 438.

**Resolution, copy, filing.** Within five days after determining the number of candidates for representative that are to be nominated, a copy of the resolution, duly certified by the chairman and attested by the secretary of the committee, is filed in the office of the secretary of state and one copy filed in the office of the county clerk of each county in the senatorial district. (Hurd's Stat. 1919, ch. 46, par. 542.)

### SENATORIAL COMMITTEEMEN,

**Election.** Senatorial committeemen are elected at a legislative primary held on the second Tuesday in April, 1922, and every two years thereafter (Hurd's Stat. 1919, ch. 46, par. 535, as amended.)

**Election contest.** The nomination for senatorial committeeman may be contested by filing with the clerk of the circuit court a written petition and with the proper canvassing board a written notice as in other cases of election contest. (Hurd's Stat. 1919, ch. 46, par. 544.)

**Independent candidates.** Nomination for senatorial committeeman may be made by petition as an independent candidate. (Hurd's Stat. 1919, ch. 46, par. 545.)

**Nominating petition, filing.** Nominating petitions for senatorial committeemen are filed in the office of the county clerk between forty and sixty days previous to a primary, and are endorsed with

the day and hour of filing. (Hurd's Stat. 1919, ch. 46, par. 538.)

**Nominating petition, signers.** A nominating petition for senatorial committeeman must be signed by at least ten primary electors of the candidate's political party in a senatorial district. (Hurd's Stat. 1919, ch. 46, par. 537.)

**Withdrawal, date, requirements.** Not less than thirty-five days before a primary a candidate for senatorial committeeman may withdraw his candidacy by filing with the county clerk a withdrawal in writing, signed and acknowledged by him. (Hurd's Stat. 1919, ch. 46, par. 538.)

## SENATORIAL DISTRICTS,

According to the last apportionment in 1901, the state is divided into fifty-one senatorial districts as follows:

**First.** The first and second wards (the words "ward or wards," "street or streets," "avenue or avenues," "boulevard or boulevards," as used in this and the following senatorial districts have reference to the boundary lines as they constituted in 1901 (Hurd's Stat. 1917, ch. 46, par. 153) in the city of Chicago.

**Second.** That part of the eleventh ward lying north of the center line of Sixteenth street; that part of the twelfth ward lying north of the center line of Sixteenth street and east of the center line

of California avenue, and the twentieth ward in the city of Chicago.

**Third.** The third ward, that part of the fourth ward lying east of the center line of Halsted street, and that part of the fifth ward beginning at the intersection of Thirty-third street and Union avenue, and running south along the center line of Union Avenue to the center line of Thirty-fifth street, thence running east along the center line of Thirty-fifth Street to the center line of Parnell Avenue, thence running north along the center line of Parnell Avenue to the center line of Thirty-third Street, thence running west along the center line of Thirty-third Street to the place of beginning, and that part of the sixth ward lying north of the center line of Forty-third Street, said center line being extended easterly to Lake Michigan, in the city of Chicago.

**Fourth.** The twenty-ninth and thirtieth wards, and that part of the thirty-first ward lying north of the center line of Fifty-seventh Place and east of the east line of the right-of-way of the Chicago, Rock Island & Pacific Railway Company, in the city of Chicago.

**Fifth.** The sixth ward, except that part thereof lying north of the center line of Forty-third Street, said center line being extended easterly to Lake Michigan, and the seventh ward, except that part thereof lying south of the center line of Sixty-third Street, said center line being extended easterly to



Lake Michigan, and east of the center line of Cottage Grove Avenue, in the city of Chicago.

**Sixth.** The twenty-fourth ward, that part of the twenty-fifth ward lying north of the center line of Devon Avenue, that part of the twenty-third ward lying west of the center line of Halsted Street, and the twenty-sixth ward in the city of Chicago; also all that part of the town of Evanston lying outside of the city of Chicago, and those parts of the towns of Niles and New Trier lying within the city of Evanston.

**Seventh.** The towns of Thornton, Bloom, Rich, Bremen, Orland, Lemont, Palos, Worth, Lyons, Stickney, Proviso, Leyden, Elk Grove, Schaumburg, Hanover, Barrington, Palatine, Wheeling, Northfield, that part of the town of New Trier lying outside of the city of Evanston, that part of the town of Niles lying outside of the city of Chicago and outside of the city of Evanston, and those parts of the towns of Norwood Park and Maine lying outside of the city of Chicago.

**Eighth.** Boone, Lake and McHenry counties.

**Ninth.** That part of the fourth ward lying west of the center line of Halsted Street, the fifth ward, except that part beginning at the intersection of Thirty-third Street and Union Avenue and running along the center line of Union Avenue to the center line of Thirty-fifth Street, thence running east along the center line of Thirty-fifth Street to the

center line of Parnell Avenue, thence running north along the center line of Parnell Avenue to the center line of Thirty-third Street, thence running west along the center line of Thirty-third Street to the place of beginning, and that part of the twelfth ward lying south and east of a line beginning at the intersection of Hoyne Avenue and Sixteenth Street and running west along the center line of Sixteenth Street to the center line of California Avenue, thence running south along the center line of California Avenue to the north line of the right-of-way of the Chicago, Burlington & Quincy Railroad Company, thence running in a southwesterly direction along said north line of the right-of-way of the Chicago, Burlington & Quincy Railroad Company to the center line of Clifton Park Avenue, thence running south along the center line of Clifton Park Avenue to the center line of Twenty-fourth Street, thence running west along the center line of Twenty-fourth Street to the center line of Central Park Avenue, and thence running south along the center line of Central Park Avenue to the Illinois and Michigan Canal, in the city of Chicago.

**Tenth.** Ogle and Winnebago counties.

**Eleventh.** The thirty-first ward, except that part thereof lying north of the center line of Fifty-seventh Place and east of the east line of the right-of-way of the Chicago, Rock Island & Pacific Railway Company, and the thirty-second ward, in the city of Chicago.

**Twelfth.** Carroll, JoDaviess and Stephenson counties.

**Thirteenth.** That part of the seventh ward lying south of the center line of Sixty-third Street, said center line being extended easterly to Lake Michigan and east of the center line of Cottage Grove Avenue, the eighth and thirty-third wards, in the city of Chicago, and that part of the town of Calumet lying outside of the city of Chicago.

**Fourteenth.** Kane and Kendall counties.

**Fifteenth.** The ninth ward, except that part thereof lying north and west of a line beginning at the intersection of Morgan and Fourteenth Streets and running east along the center line of Fourteenth Street to the center line of Johnson Street, thence running north along the center line of Johnson Street to the center line of Maxwell Street, and thence running east along the center line of Maxwell Street to the south branch of the Chicago River, the tenth ward except that part thereof lying north and west of a line beginning at the intersection of Laflin and Sixteenth Streets and running east along the center line of Sixteenth Street to the center line of Throop Street, thence north along the center line of Throop Street to the center line of Fourteenth Street, and thence running east along the center line of Fourteenth Street to the center line of Morgan Street, and that part of the eleventh ward lying south of the center line of Sixteenth Street, in the city of Chicago.

**Sixteenth.** Livingston, Marshall, Putnam and Woodford counties.

**Seventeenth.** That part of the ninth ward lying north and west of a line beginning at the intersection of Morgan and Fourteenth Streets and running east along the center line of Fourteenth Street to the center line of Johnson Street, thence running north along the center line of Johnson Street to the center line of Maxwell Street, and thence running east along the center line of Maxwell Street to the south branch of the Chicago River, that part of the tenth ward lying north and west of a line beginning at the intersection of Laffin and Sixteenth Streets and running east on the center line of Sixteenth Street to the center line of Throop Street, thence running north along the center line of Throop Street to the center line of Fourteenth Street, and thence running east along the center line of Fourteenth Street to the center line of Morgan Street, and the nineteenth ward, in the city of Chicago.

**Eighteenth.** Peoria county.

**Nineteenth.** That part of the twelfth ward lying north and west of a line beginning at the intersection of Twelfth Street and California Avenue and running south along the center line of California Avenue to the north line of the right-of-way of the Chicago, Burlington & Quincy Railroad Company, and thence running in a southwesterly direction along said north line of the said right-of-way to the

center line of Clifton Park Avenue, the Thirteenth and the thirty-fourth wards, in the city of Chicago, that part of the town of Cicero lying south of the center line of Twelfth Street and the town of Riverside, all in the county of Cook.

**Twentieth.** Grundy, Iroquois and Kankakee counties.

**Twenty-first.** The fourteenth ward, that part of the seventeenth ward lying south of a line beginning at the intersection of Ashland Avenue and Augusta Street and running thence east along the center line of Augusta Street to the center line of Holt Street, thence running south along the center line of Holt Street to the center line of Cornell Street, thence running east along the center line of Cornell Street to the center line of Milwaukee Avenue, thence running southeasterly along the center line of Milwaukee Avenue to the center line of Green Street, and thence south along the center line of Green Street to the center line of Kinzie Street, and that part of the thirty-fifth ward lying south of a line beginning at the intersection of Chicago Avenue and Homan Avenue and running thence west along the center line of Chicago Avenue to the center line of Park Avenue, thence south along the center line of Park Avenue to the center line of Lake Street, and thence running west along the center line of Lake Street to the center line of Austin Avenue, in the city of Chicago.

**Twenty-second.** Edgar and Vermilion counties.

**Twenty-third.** The fifteenth ward, that part of the sixteenth ward beginning at the intersection of North Avenue and Ashland Avenue and running west on the center line of North Avenue to the center line of Robey Street, thence running south along the center line of Robey Street to the center line of Division Street, thence running east along the center line of Division Street to the center line of Ashland Avenue, thence running north along the center line of Ashland Avenue to the place of beginning, that part of the thirty-fifth ward lying north of a line beginning at the intersection of Kedzie and Chicago Avenues and running west along the center line of Chicago Avenue to the center line of Park Avenue, thence running south along the center line of Park Avenue to the center line of Lake Street, and thence running west along the center line of Lake Street to the center line of Austin Avenue, in the city of Chicago, and that part of the town of Cicero lying north of the center line of Twelfth Street, all in the county of Cook.

**Twenty-fourth.** Champaign, Moultrie and Piatt counties.

**Twenty-fifth.** The twenty-seventh and twenty-eighth wards in the city of Chicago.

**Twenty-sixth.** Ford and McLean counties.

**Twenty-seventh.** The sixteenth ward, except that part beginning at the intersection of North Avenue and Ashland Avenue, and running west on

the center line of North Avenue to the center line of Robey Street, thence running south along the center line of Robey Street to the center line of Division Street, thence running east along the center line of Division Street to the center line of Ashland Avenue, thence running north along the center line of Ashland Avenue to the place of beginning, that part of the seventeenth ward beginning at the intersection of Ashland Avenue and Division Street and running south along the center line of Ashland Avenue to the center line of Augusta Street, thence running east along the center line of Augusta Street to the center line of Holt Street, thence running south along the center line of Holt Street to the center line of Cornell Street, thence running east along the center line of Cornell Street, to the center line of Milwaukee Avenue, thence running southeast along the center line of Milwaukee Avenue to the center line of Green Street, thence running south along the center line of Green Street to the center line of Kinzie street, thence running east along the center line of Kinzie Street to the north branch of the Chicago River, thence running northwest along the north branch of the Chicago River to the center line of Division Street, thence running west along the center line of Division Street to the place of beginning, and the eighteenth ward, in the city of Chicago.

**Twenty-eighth.** DeWitt, Logan and Macon counties.

**Twenty-ninth.** The twenty-first ward, except that part thereof lying north of a line beginning at the intersection of Goethe and Sedgwick Streets and running east along the center line of Goethe Street to the center line of State Street, thence running north along the center line of State Street to the center line of Schiller Street, and thence running east along the center line of Schiller Street to Lake Michigan, and the twenty-second ward, except that part thereof lying west of the center line of Halsted Street, and except that part of said ward lying north and west of a line beginning at the intersection of North Avenue and Sedgwick Street and running south along the center line of Sedgwick Street to the center line of Sigel Street, thence running west along the center line of Sigel Street to the center line of Cleveland Avenue, thence running south along the center line of Cleveland Avenue to the center line of Clybourn Avenue, thence running in a northwesterly direction along the center line of Clybourn Avenue to the center line of Larrabee Street, thence running south along the center line of Larrabee Street to the center line of Division Street, and thence west along the center line of Division Street to the center line of Halsted Street, in the city of Chicago.

**Thirtieth.** Brown, Cass, Mason, Menard, Schuyler and Tazewell counties.

**Thirty-first.** That part of the twenty-first ward lying north of a line beginning at the intersection



of Goethe and Sedgwick Streets and running east along the center line of Goethe Street to the center line of State Street, thence running north along the center line of State Street to the center line of Schiller Street, and thence running east along the center line of Schiller Street to Lake Michigan, all that part of the twenty-second ward lying west of the center line of Halsted Street and that part of the twenty-second ward lying east of the center line of Halsted Street, and north of a line beginning at the intersection of Halsted and Division Streets and running east along the center line of Division Street to the center line of Larrabee Street, thence running north along the center line of Larrabee Street to the center line of Clybourn Avenue, thence running in a southeasterly direction along the center line of Clybourn Avenue to the center line of Cleveland Avenue, thence running north along the center line of Cleveland Avenue to the center line of Sigel Street, and thence running east along the center line of Sigel Street to the center line of Sedgwick Street, that part of the twenty-third ward lying east of the center line of Halsted Street, and that part of the twenty-fifth ward lying south of the center line of Devon Avenue, all in the city of Chicago.

**Thirty-second.** McDonough, Hancock and Warren counties.

**Thirty-third.** Henderson, Mercer and Rock Island counties.

**Thirty-fourth.** Clark, Coles and Douglas counties.

**Thirty-fifth.** DeKalb, Lee and Whiteside counties.

**Thirty-sixth.** Adams, Calhoun, Pike and Scott counties.

**Thirty-seventh.** Bureau, Henry and Stark counties.

**Thirty-eighth.** Greene, Jersey, Macoupin and Montgomery counties.

**Thirty-ninth.** LaSalle county.

**Fortieth.** Christian, Cumberland, Fayette and Shelby counties.

**Forty-first.** DuPage and Will counties.

**Forty-second.** Clay, Clinton, Effingham and Marion counties.

**Forty-third.** Fulton and Knox counties.

**Forty-fourth.** Jackson, Monroe, Perry, Randolph and Washington counties.

**Forty-fifth.** Morgan and Sangamon counties.

**Forty-sixth.** Jasper, Jefferson, Richland and Wayne counties.

**Forty-seventh.** Bond and Madison counties.

**Forty-eighth.** Crawford, Edwards, Gallatin, Hardin, Lawrence, Wabash and White counties.

**Forty-ninth.** St. Clair county.

**Fiftieth.** Alexander, Franklin, Pulaski, Union and Williamson counties.

**Fifty-first.** Hamilton, Johnson, Massac, Pope and Saline counties. (Hurd's Stat. 1919, ch. 46, par. 152.)

### SHERIFF,

**Deputy sheriff.** Only those who have resided an entire year in the county may be appointed as a deputy sheriff. (Hurd's Stat. 1919, ch. 24, par. 444.)

**Election.** In each county at the fall election of 1922 and every four years thereafter there will be elected a sheriff. (Hurd's Stat. 1919, ch. 46, par. 17.)

**Election notice.** In counties not under township organization, fifteen days before the time for holding a general election and eight days before the holding of a special election, the sheriff is required to post three election notices in each election precinct or district at the most public places. (Hurd's Stat. 1919, ch. 46, par. 47.)

**Intoxicating liquors, sale.** It is the duty of a sheriff to see that no intoxicating liquors are sold or given away and that no saloon or barroom is open during the holding of a general, special election or a primary within one mile of the polling place. (Hurd's Stat. 1919, ch. 46, pars. 79.)

**Judges of election.** Within twenty days of receipt of notices of appointment of judges of election, the sheriff is by law required to serve them upon each person so appointed. (Hurd's Stat. 1919, ch. 46, par. 34.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general election in the county are necessary to a nominating petition for the office of sheriff; which petition is filed with the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for sheriff are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Term of office.** Sheriffs hold office for a term of four years from the first Monday of December after their election. (Hurd's Stat. 1919, ch. 46, par. 17.)

**Tie vote.** In a county office, a tie vote is determined by the sheriff or state's attorney when the county clerk or other canvassers are absent upon the day set for the determination of the tie. (Hurd's Stat. 1919, ch. 46, par. 74.)

**Vacancy.** A vacancy occurring at any time in the office of sheriff is filled by the county board until the next county or precinct election. (Hurd's Stat. 1919, ch. 46, par. 133.)

The coroner is acting sheriff until another person is elected or appointed and qualified as sheriff, in case of a vacancy in the office of sheriff. (Hurd's Stat. 1919, ch. 31, par. 9.)

#### SPECIAL DRAINAGE COMMISSIONERS,

**Election.** In special drainage districts, annually on the third Tuesday of November after the first election, one drainage commissioner is elected, who, with two others previously elected, constitute the drainage commissioners of such district. (Hurd's Stat. 1919, ch. 42, par. 129.)

**Qualification.** A candidate for special drainage district commissioner must be an adult owner of land in the district and a resident of the county in which the district or any part thereof lies. (Hurd's Stat. 1919, ch. 42, par. 129.)

**Term of office.** A person elected drainage commissioner in a special drainage district holds office for a term of three years and until his successor is chosen and qualified. (Hurd's Stat. 1919, ch. 42, par. 129.)

**Vacancy.** In case a vacancy occurs in the office of special drainage commissioner, the remaining commissioners fill the same by appointment until the annual election. (Hurd's Stat. 1919, ch. 42, par. 129.)

#### SPECIAL ELECTION,

**Establishment of township high school, nature.**

An election for or against the establishment of a township high school is a special election, although held at the same time and at the same place as that at which trustees of schools are elected. *People v. Brown* (1901), 189 Ill. 619, 623.

#### SPECIAL PRIMARIES,

**Call.** The officer or board or commission whose duty it is to call an election fixes the date for a special primary. (Hurd's Stat. 1919, ch. 46, par. 511.)

**Nomination.** Candidates for special elections are nominated in the same manner as are candidates for general elections. (Hurd's Stat. 1919, ch. 46, par. 511.)

**Notice.** At least fifteen days' notice must be given of all special primaries. (Hurd's Stat. 1919, ch. 46, par. 511.)

#### STANDARDS SUPERINTENDENT,

Appointment and term of office, see Governor, civil administrative officers.

#### STATE ALIENIST,

Appointment and term of office, see Governor, civil administrative officers.

#### STATE ART ADVISORS,

The board of art advisors is composed of eight persons. (Hurd's Stat. 1919, ch. 24½, par. 6.)

Appointment and term of office, see Governor, civil administrative officers.

**Qualification.** Of the art advisors, two must be painters, two sculptors, two architects and two neither sculptors, painters nor architects. (Hurd's Stat. 1919, ch. 24½, par. 7.)

#### STATE CANVASSING BOARD,

The secretary of state, auditor of public accounts, state treasurer, attorney general and the Governor constitute the State Canvassing Board, and any two of them in the presence of the Governor may act as a board. (Hurd's Stat. 1919, ch. 46, par. 78.)

In case of primary returns, the Governor, secretary of state and state treasurer form the State Canvassing Board to canvass the returns of a primary certified to and filed with the secretary of state. (Hurd's Stat. 1919, ch. 46, par. 507.)

**Note.** As the Governor cannot be coerced by mandamus should he refuse to act in an election matter, some other person should be substituted in his place as a member of the board. See *People v. Dunne* (1913), 258 Ill. 441.

**Proclamation, amendment to Constitution.** The Governor declares the result of the canvass of votes for amendments to the Constitution. (Hurd's Stat. 1919, ch. 46, par. 78.)

#### STATE CENTRAL COMMITTEE,

This committee is composed of one member from each Congressional district in the state. (Hurd's Stat. 1919, ch. 46, par. 460.)

**Certificate of election.** The secretary of state issues a certificate of election to persons elected state central committeemen. (Hurd's Stat. 1919, ch. 46, par. 508.)

**Election.** In 1922 April primary and every two years thereafter, one person will be elected from each Congressional district as a member of each state central committee of the respective political parties. (Hurd's Stat. 1919, ch. 46, par. 460 as amended by implication.)

**Nominating petition, signers, filing.** At least one hundred primary electors of the candidate's party in his Congressional district must sign a nominating petition for state central committeeman; which petition is filed with the secretary of state not more than sixty nor less than forty days previous to date of primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Notice of meeting.** Ten days before organizing the outgoing chairman of the state central committee of his party notifies each member elected of the time and place of the first meeting. (Hurd's Stat. 1919, ch. 46, par. 460.)

**Organization.** Within thirty days after election, the state central committee meets in Springfield and organizes by electing a chairman from its members and such other officers from its members or otherwise as it deems necessary. (Hurd's Stat. 1919, ch. 46, par. 460.)



## STATE CIVIL SERVICE COMMISSIONERS,

**Appointment.** On the first of March of every odd-numbered year, the Governor by and with the advice and consent of the Senate appoints one civil service commissioner to succeed the one whose term of office expires in that year, who, with two others similarly appointed, constitute the state civil service commission. (Hurd's Stat. 1919, ch. 24a, par. 1.)

**Qualification.** In the appointment of a state civil service commissioner, not more than two members of the commission can, at the time of the appointment, belong to the same political party, nor may a commissioner hold any other lucrative office or employment under the United States, state or municipal government or any of its branches. (Hurd's Stat. 1919, ch. 24a, par. 1.)

**Term of office.** A state civil service commissioner is appointed for a term of six years from the first day of March and until his successor is appointed and qualified. (Hurd's Stat. 1919, ch. 24a, par. 1.)

**Vacancy.** A vacancy in the office of state civil service commissioner during recess of the Senate, is filled by the Governor by a temporary appointment, subject to confirmation of the Senate at its next session; a vacancy during session of the Senate, is filled by the Governor by and with the advice and consent of the Senate. (Hurd's Stat. 1919, ch. 24a, par. 2.)

## STATE CONVENTION,

**Call for convention, filing.** The call for a state convention states the time and place (designating the building or hall) for holding the convention, the total number of convention delegates and the number of delegates to which each county is entitled. It is signed by the chairman and attested by the secretary and filed in the office of the county clerk of each county of the state at least thirty-three days before the April primary. (Hurd's Stat. 1919, ch. 46, par. 461.)

**Jurisdiction, decision of county judges.** The state convention has no jurisdiction to review the action of the county judges upon objections to nominations for the office of representative in the General Assembly; for, under section 10 of the Ballot Law, their decision is final. *People v. Rose* (1904), 211 Ill. 249.

**Meeting.** All state conventions are held on the first Friday after the first Monday succeeding the April primary. (Hurd's Stat. 1919, ch. 46, par. 461.)

**Powers.** At this convention each political party nominates candidates for electors of President and Vice President of the United States and for trustees of the university of Illinois. The convention also adopts a party platform. (Hurd's Stat. 1919, ch. 46, par. 461.)

## STATE CRIMINOLOGIST,

Appointment and term of office, see Governor, civil administrative officers.

## STATE FAIR ADVISORS,

The Board of State Fair Advisors consist of nine persons. (Hurd's Stat. 1919, ch. 241½, par. 6.)

Appointment and term of office, see Governor, civil administrative officers.

**Qualification.** Not more than three state fair advisors can be appointed from any one county. (Hurd's Stat. 1919, ch. 241½, par. 6.)

## STATE FAIR GENERAL MANAGER,

Appointment and term of office, see Governor, civil administrative officers.

## STATE FIRE MARSHAL,

Appointment and term of office, see Governor, civil administrative officers.

## STATE FISCAL SUPERVISOR,

Appointment and term of office, see Governor, civil administrative officers.

## STATE HIGHWAY ADVISORS,

Five persons compose the Board of Highway Advisors. (Hurd's Stat. 1919, ch. 241½, par. 6.)

Appointment and term of office, see Governor, civil administrative officers.

## STATE LIBRARY COMMISSIONERS,

The board of commissioners for the management of the state library consists of the Governor, the secretary of state and the superintendent of public instruction. (Hurd's Stat. 1919, ch. 128, par. 1.)

## STATE MUSEUM ADVISORS,

Five state museum advisors constitute the board. (Hurd's Stat. 1919, ch. 24½, par. 6.)

Appointment and term of office, see Governor, civil administrative officers.

**Qualification.** Each of the state museum advisors must be an expert in botany, ethnology, zoology, manufacture and museum administration. (Hurd's Stat. 1919, ch. 24½, par. 7.)

## STATE PRIMARY CANVASSING BOARD,

This board is the same as the state canvassing board. (Hurd's Stat. 1919, ch. 46, par. 507.)

**Canvassing returns.** The returns for President of the United States, state central committeemen, delegates and alternate delegates to national nominating conventions, and all other primary returns filed with the secretary of state are canvassed by the state primary canvassing board. (Hurd's Stat. 1919, ch. 46, par. 507.)

' Tabulated statements of returns of a legislative primary made to the secretary of state are canvassed by the state primary canvassing board and result thereof proclaimed, and certificates of nomination issued as in other cases. (Hurd's Stat. 1919, ch. 46, par. 544.)

**Certificate of election, delegate and alternate delegate.** The secretary of state issues a certificate of election to each delegate and alternate delegate to

a national nominating convention. (Hurd's Stat. 1919, ch. 46, par. 508.)

**Certified statement of returns, publication.** Within five days after the canvassing of the returns, a certified statement of the returns filed in the office of the secretary of state showing the total vote cast in the state and each congressional district for each candidate of each political party for President of the United States, as well as the names of delegates and alternate delegates to national nominating conventions of each political party, is published by him in one daily newspaper of general circulation at Springfield. (Hurd's Stat. 1919, ch. 46, par. 507.)

STATE REPRESENTATIVE, see REPRESENTATIVE IN THE GENERAL ASSEMBLY.

STATE'S ATTORNEY,

**Election.** In the fall of 1924 and every four years thereafter, there will be elected a state's attorney in each county of the state. (Hurd's Stat. 1919, ch. 46, par. 25.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent of a candidate's party's vote cast at the last preceding general election in the county are necessary to a nominating petition for the office of state's attorney; which petition is filed with the county clerk between forty

and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

In a county in which there is a city having election commissioners it is not necessary to file a petition as candidate for state's attorney with the election commissioners and also a petition with the county clerk, but one petition must be filed with the county clerk alone. *People v. Czarnecki* (1912), 254 Ill. 72, 78.

**Nomination.** Candidates for state's attorney are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Nomination canvassing board.** The state's attorney is a member of the trial board that hears and passes upon objections to nominations for county offices. (Hurd's Stat. 1919, ch. 46, par. 297.)

**Number of state's attorneys.** There are one hundred and two state's attorneys in the state.

**Term of office.** State's attorneys are elected for a term of four years commencing with first Monday in December after their election. (Hurd's Stat. 1919, ch. 46, par. 25.)

**Tie vote.** In a county office, a tie vote is determined by the state's attorney or sheriff when the county clerk and the other canvassers are absent on the day set for the determination of the tie. (Hurd's Stat. 1919, ch. 46, par. 74.)

**Vacancy.** If a vacancy occurs in the office of state's attorney and the unexpired term is less than

a year, the county board fills the vacancy by appointment; in case the unexpired term is more than a year, the vacancy is filled by special election called by the county clerk, or the chairman of the county board in case of a vacancy in the office of county clerk. (Hurd's Stat. 1919, ch. 46, par. 133.)

### STATE SENATOR,

**Election.** In even-numbered senatorial districts, state senators will be elected in the fall of 1924; in odd-numbered districts they will be elected in the fall of 1922, and every four years thereafter. (Hurd's Stat. 1919, ch. 46, par. 14.)

**Election contest.** The nomination for state senator may be contested by filing with the clerk of the circuit court a written petition and with the proper canvassing board a written notice as in other cases of election contest. (Hurd's Stat. 1919, ch. 46, par. 544.)

**Independent candidatês.** Nomination for state senator may be made by petition as an independent candidate. (Hurd's Stat. 1919, ch. 46, par. 545.)

**Nominating petition, filing.** Nominating petitions for state senator are filed with the secretary of state between forty and sixty days previous to date of primary. (Hurd's Stat. 1919, ch. 46, par. 538.)

Nominating petition, filing, see representative in the General Assembly.

**Nominating petition, signers.** At least one-half of one per cent. of the qualified primary electors of a candidate's party is necessary to a nominating petition for the office of state senator; which percentage is based upon the total vote cast by his party in the senatorial district at the election of Governor immediately preceding the primary. (Hurd's Stat. 1919, ch. 46, par. 537.)

**Nomination.** Candidates for state senator will be nominated at a legislative primary to be held on the second Tuesday in April, 1922, and every two years thereafter. (Hurd's Stat. 1919, ch. 46, pars. 532, 535, as amended.)

**Number of senators.** There are fifty-one state senators elected from fifty-one senatorial districts in accordance with the senatorial apportionment of 1901. (Hurd's Stat. 1919, ch. 46, par. 152.)

**Qualification.** A candidate for state senator must have attained the age of twenty-five, must be a citizen of the United States, be a resident of the state for five years and of his district for two years next preceding his election, and must not be a judge or clerk of a court, secretary of state, attorney general, state's attorney, recorder, sheriff or collector of public revenue, member of either house of Congress or person holding any lucrative office under the United States or this state or any foreign government, nor have been convicted of bribery, perjury or other infamous crime, or be guilty of embezzlement; and when elected during his term cannot be



appointed by the Governor, the Governor and the Senate, or by the General Assembly to any other civil office within the state. (Const. 1870, art. 4, §§ 3, 4, 15.)

The only constitutional requirement as to the residence of candidates for the office of senator and representative is that they shall have resided within the senatorial district for two years next preceding the election; and the legislature has no power to add that such candidates shall come from particular counties in the district. *People v. Board of Election Commissioners* (1906), 221 Ill. 9, 21.

**Resignation.** The acceptance by a state senator of the office of clerk of the municipal court of Chicago amounts to the resignation of the office of state senator. *People v. Haas* (1908), 145 Ill. App. 283, 287.

**Vacancy.** A vacancy in the office of state senator or representative in the General Assembly is filled by special election only when the General Assembly is in session at the time the vacancy occurs, or when there will be a session before the next general election, by the county clerk of the county in which the member whose office is vacant exists notifying the Governor of the vacancy and by the Governor issuing a writ of election to the proper county clerk or county clerks fixing a day upon which such an election is to be held. (*Hurd's Stat.* 1919, ch. 46, par. 129.)

**Withdrawal, date, requirements.** Not less than thirty-five days before a primary a candidate for state senator may withdraw his candidacy by filing with the secretary of state a withdrawal in writing, signed and acknowledged by him. (Hurd's Stat. 1919, ch. 46, par. 538.)

#### STATE STATISTICIAN,

Appointment and term of office, see Governor, civil administrative officers.

#### STATE TAX COMMISSIONERS,

This commission consists of five officers. (Hurd's Stat. 1919, ch. 24 $\frac{1}{2}$ , par 5, as amended.)

Appointment, see Governor, civil administrative officers.

**Term of office.** Tax commissioners, after the first appointment, hold office for a term of six years from the first day of July and until their successors are appointed and qualified. (Hurd's Stat. 1919, ch. 24 $\frac{1}{2}$ , par. 13.)

#### STATE TREASURER,

**Election.** At the fall election of 1922 and biennially thereafter, there is elected a state treasurer. (Hurd's Stat. 1919, ch. 46, par. 9.)

**Illinois state teachers' pensions.** The state treasurer is ex officio trustee and treasurer of the board of trustees of the Illinois state teachers' pension and

retirement fund. (Hurd's Stat. 1919, ch. 122, pars. 580, 585.)

**Nominating petition, signatures, filing.** A nominating petition for the office of state treasurer must have not less than one nor more than two thousand of his party's primary electors' signatures and filed in the office of the secretary of state not more than sixty nor less than forty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for state treasurer are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Qualification.** A candidate for the office of state treasurer when elected must reside at the seat of government during his term. (Const. 1870, art. 5, § 1.)

**State canvassing board.** The state treasurer is a member of state canvassing board. (Hurd's Stat. 1919, ch. 46, par. 78.)

**Vacancy.** The office of state treasurer becomes vacant if bond is not given or oath is not taken within ten days after having been declared elected, or if additional bond is not furnished within twenty days after receipt of notice from the Governor to give such bond and the Governor deems it best that the office be declared vacant on that account. See also Vacancies, Filling, etc. (Hurd's Stat. 1919, ch. 130, par. 4.)

A vacancy in the office of state treasurer is filled by appointment by the Governor, the appointee holding his office until the remainder of the term and the election and qualification of a successor. (Const. 1870, art. 5, § 20; Hurd's Stat. 1919, ch. 46, par. 128.)

SUPERINTENDENT OF EMPLOYMENT, see  
PARK CIVIL SERVICE.

SUPERINTENDENT OF PUBLIC INSTRUCTION,

Contest, see Election contest, State officers.

**Election.** In the fall of 1922 and every four years thereafter, there is elected a superintendent of public instruction. (Hurd's Stat. 1919, ch. 122, par. 1.)

**Illinois state teachers' pension.** The superintendent of public instruction by virtue of his office is trustee of the board of trustees of the Illinois state teachers' pension and retirement fund. (Hurd's Stat. 1919, ch. 122, par. 580.)

**Nominating petition, signatures, filing.** A nominating petition for the office of superintendent of public instruction must be signed by not less than one nor more than two thousand of the candidate's party's primary electors and filed in the office of the secretary of state not less than forty nor more than sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for superintendent of public instruction are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Qualification.** A candidate for the office of superintendent of public instruction when elected must reside at the seat of government and during his term is ineligible for any other office. (Const. 1870, art. 5, §§ 1, 5.)

**State library.** The superintendent of public instruction is ex officio state library commissioner. (Hurd's Stat. 1919, ch. 128, par. 1.)

**Term of office.** The superintendent of public instruction is elected for a term of four years from the second Monday in January after his election. (Hurd's Stat. 1919, ch. 122, par. 1.)

**Vacancy.** A vacancy in the office of superintendent of public instruction is filled by appointment by the Governor, the appointee holding his office until the remainder of the term and the election and qualification of a successor. (Const. 1870, art. 5, § 20; Hurd's Stat. 1919, ch. 46, par. 128.)

#### SUPERIOR COURT CLERK,

**Election.** A clerk of the superior court of Cook County will be elected in the fall of 1924 and every four years thereafter. (Hurd's Stat. 1919, ch. 46, par. 19.)

**Nominating petition, signatures, filing.** The signatures of half of one per cent. of a candidate's

party's vote cast at the last preceding general election in the county are necessary to a nominating petition for the office of clerk of the superior court of Cook County ; which petition is filed with the county clerk between forty and sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for clerk of the superior court of Cook County are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Term of office.** A person elected clerk of the superior court of Cook County holds office for a term of four years and until his successor is elected and qualified. (Const. 1870, art. 6, § 27.)

**Vacancies, superior court judge.** In case of a vacancy in the office of judge of the superior court of Cook County, the clerk of the court notifies the Governor of the existence of the vacancy. (Hurd's Stat. 1919, ch. 46, par. 131.)

Vacancy, see Vacancies, clerks of courts.

## SUPERIOR COURT JUDGES,

**Election.** At the June election of 1922 there will be elected six judges of the superior court of Cook County. In the fall of 1923 there will be elected twelve judges ; at the April election of 1925 there will be elected one judge of said court, and at the June election of 1927 one judge will be elected. Thereafter, these judges are elected in the same

manner every six years. (Hurd's Stat. 1919, ch. 46, par. 13; also ch. 37, par. 72b.)

**Number of judges.** Twenty judges are at present elected for the superior court of Cook County. (Hurd's Stat. 1919, ch. 46, par. 13; also ch. 37, par. 72b.)

**Term of office.** Judges of the superior court enter upon the duties of their office on the first Monday in December after their election and hold office for a term of six years. (Hurd's Stat. 1919, ch. 46, par. 13; also ch. 37, par. 72b.)

**Vacancy.** A vacancy in the office of judge of the superior court of Cook County whose unexpired term is less than a year is filled by appointment by the Governor; if the unexpired term exceeds a year, the vacancy is filled at a special election called by the Governor's writ of election. (Hurd's Stat. 1919, ch. 46, par. 131.)

#### SUPERVISING ARCHITECT,

Appointment and term of office, see Governor, civil administrative officers.

#### SUPERVISING ENGINEER,

Appointment and term of office, see Governor, civil administrative officers.

#### SUPERVISOR,

The office of supervisor may be abolished in towns lying wholly within cities of more than

50,000 population by adopting the Township Act of 1901. (Hurd's Stat. 1919, ch. 24, par. 644.)

**Board of health.** The supervisor is ex officio member of a board of health in territory lying beyond the corporate limits of an incorporated city or village in counties under township organization. (Hurd's Stat. 1919, ch. 34, par. 116.)

**Board of review.** In counties under township organization of less than 125,000 inhabitants, the chairman of the board of supervisors is ex officio member of the board of review. (Hurd's Stat. 1919, ch. 120, par. 324.)

**County board of education.** In counties under township organization, the chairman of the board of supervisors is ex officio a member of the county board of education, if there be one. (Hurd's Stat. 1919, ch. 122, par. 99.)

**Drainage treasurer.** In counties under township organization, the supervisor is ex officio treasurer of all drainage districts; and when districts lie in two towns, the drainage commissioners designate which one of the supervisors shall be treasurer. (Hurd's Stat. 1919, ch. 42, par. 77.)

**Election.** Except in incorporated towns of 25,000 inhabitants and over and in Cook County, an election is held annually the first Tuesday in April for supervisor in towns having more than one supervisor and bi-annually from 1922 in towns having single supervisor, town clerk, township assessor and



township collector in counties under township organization of 100,000 inhabitants and over; in incorporated towns of 25,000 inhabitants and over as ascertained by the last school census an election will be held in 1924 at the same time as the regular election for municipal officers and every four years thereafter, for supervisor, town clerk, township assessor, president and township collector in counties under township organization having 100,000 inhabitants and over.

In the respective towns in Cook County, an election for supervisors will be held on the first Tuesday of April, 1922, and bi-annually thereafter. (Hurd's Stat. 1919, ch. 139, pars. 61, 143; ch. 24, pars. 835, 837; ch. 34, par. 63b.)

**Nominating petition, signatures, filing.** In townships coextensive with cities and in incorporated towns or villages, the signatures of half of one per cent. of a candidate's party's vote of the qualified electors in the township, town or village are necessary to a nominating petition for the office of supervisor or assistant supervisor; which petition is filed with the town clerk between twenty and thirty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

The statute makes no provision for the number of signers that are necessary to a nominating petition of a candidate for the office of supervisor, but this is apparently an oversight. Taking paragraphs 479, 481 together and the fact that a supervisor is a

township officer, the requirement as to signatures above stated is reasonable.

**Nomination.** In townships coextensive with cities and incorporated towns and villages, candidates for supervisor are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Notice of election, posting.** In counties under township organization, fifteen days before the time of holding a general election and eight days before the holding of a special election, the supervisor posts three election notices in each election precinct or district at the most public places. (Hurd's Stat. 1919, ch. 46, par. 47.)

**Number and classification.** Towns not included within the limits of a village or city and except in Cook County, of less than 4,000 inhabitants have one supervisor; towns of 4,000 inhabitants have a supervisor and an assistant supervisor; towns of 6,500 inhabitants have a supervisor and two assistant supervisors; and towns of over 6,500 inhabitants are entitled to an additional assistant supervisor for every additional 2,500 inhabitants as ascertained by the last state or Federal census taken preceding the election.

In counties under township organization, supervisors are divided into two classes as nearly equal as possible, the first division being made by lot, one-half going out the first year and the second the next or until their successors are elected and qualified. In boards consisting of odd numbers, the

smaller fraction of the board is the second class. (Hurd's Stat. 1919, ch. 139, pars. 61, 143.)

**Overseer of poor.** The supervisor is ex officio overseer of the poor. (Hurd's Stat. 1919, ch. 139, par. 61.)

**Qualification.** A person elected to the office of supervisor cannot hold any other office by appointment or election of his board during the term of office. (Hurd's Stat. 1919, ch. 102, par. 1.)

**Road fund treasurer.** In counties under township organization, the supervisor is ex officio treasurer of the road and bridge fund. (Hurd's Stat. 1919, ch. 121, par. 42 [C].)

**Term of office.** In towns of less than 25,000 inhabitants the term of office of supervisor, town clerk, township assessor and township collector in counties under township organization of 100,000 inhabitants and over is two years from the first Tuesday in April, 1920, and until a successor is elected and qualified; in incorporated towns of 25,000 inhabitants and over as ascertained by the last school census the term of office of supervisor, town clerk, township assessor, president and township collector in counties under township organization of 100,000 inhabitants and over is four years from the municipal election of 1920 and until a successor is duly qualified. In towns in Cook County, the term of office of supervisor is two years and until a successor is elected and qualified.

(Hurd's Stat. 1919, ch. 139, pars. 61, 154; ch. 24, pars. 835, 837; ch. 34, par. 63b.)

**Vacancy.** Except in incorporated towns of 25,000 inhabitants and over, a vacancy in the office of supervisor, town clerk, township assessor and township collector is filled by the town board of appointment; in incorporated towns of 25,000 inhabitants and over a vacancy occurring during the first year of the term in the office of supervisor, town clerk, township assessor, township collector and president is filled at the next municipal annual election, and a vacancy occurring after the first year is filled by appointment by the president and board of trustees. (Hurd's Stat. 1919, ch. 139, par. 97; ch. 24, pars. 835, 837.)

#### SUPERVISOR OF ASSESSMENTS,

In counties under township organization of less than 125,000 inhabitants, the county treasurer is ex officio supervisor of assessments. (Hurd's Stat. 1919, ch. 120, par. 296.)

#### SUPREME COURT CLERK,

**Election.** A clerk of the Supreme Court will be elected at the fall election of 1926 and every six years thereafter. (Hurd's Stat. 1919, ch. 37, par. 3a; ch. 46, par. 11.)

**Nominating petition, signatures, filing.** A nominating petition for the office of clerk of the Supreme Court must be signed by not less than one nor more

than two thousand of his party's primary electors and filed in the office of the secretary of state not less than forty nor more than sixty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, par. 479, 481.)

**Nomination.** Candidates for clerk of the Supreme Court are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Term of office.** The term of office of the clerk of the Supreme Court is six years. (Hurd's Stat. 1919, ch. 46, par. 11.)

**Vacancies, Supreme Court judge.** In case of a vacancy in the office of judge of the Supreme Court, the clerk of the court notifies the Governor of the existence of the vacancy. (Hurd's Stat. 1919, ch. 46, par. 131.)

Vacancy, see Vacancies, clerks of courts.

## SUPREME COURT DISTRICTS,

The state is divided into seven judicial districts as follows:

**First.** Alexander, Clinton, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Monroe, Perry, Pope, Pulaski, Randolph, St. Clair, Saline, Union, Wabash, Washington, Wayne, White and Williamson counties. (Hurd's Stat. 1919, ch. 37, par. 1.)

**Second.** Bond, Calhoun, Christian, Clark, Clay, Crawford, Cumberland, Effingham, Fayette, Greene,

Jasper, Jersey, Lawrence, Macoupin, Madison, Marion, Montgomery, Pike, Richland, Scott and Shelby counties. (Hurd's Stat. 1919, ch. 37, pars. 1a, 1b.)

**Third.** Champaign, Coles, DeWitt, Douglas, Edgar, Ford, Iroquois, Livingston, Logan, McLean, Macon, Moultrie, Piatt, Sangamon, Tazewell and Vermilion counties. (Hurd's Stat. 1919, ch. 37, par. 1.)

**Fourth.** Adams, Brown, Cass, Fulton, Hancock, Henderson, McDonough, Mason, Menard, Mercer, Morgan, Rock Island, Schuyler and Warren counties. (Hurd's Stat. 1919, ch. 37, pars. 1a, 1b.)

**Fifth.** Bureau, Grundy, Henderson, Henry, Knox, LaSalle, Marshall, Mercer, Peoria, Putnam, Stark, Warren and Woodford counties.

**Sixth.** Boone, Carroll, DeKalb, JoDaviess, Kane, Kendall, Lee, McHenry, Ogle, Rock Island, Stephenson, Whiteside and Winnebago counties.

**Seventh.** Cook, DuPage, Kankakee, Lake and Will counties. (Hurd's Stat. 1919, ch. 37, par. 1.)

## SUPREME COURT JUDGES,

**Election.** Supreme Court judges are elected at a June election every nine years. In 1924 there will be elected one judge in the first, second, third, sixth and seventh districts; in 1927 there will be elected a judge in the fifth district; and in 1930 there will

be elected a judge in the fourth district. (Const. 1870, art. 6, § 5; Hurd's Stat. 1919, ch. 46, par. 10.)

**Number of judges.** The state is divided into seven districts from each one of which is elected a Supreme Court judge or justice. (Hurd's Stat. 1919, ch. 37, pars. 1, 1c.)

**Term of office.** Judges of the Supreme Court are elected for a term of nine years from the first Monday of June of the year of their election. (Const. 1870, art. 6, §6.)

**Vacancy.** A vacancy in the office of judge of the Supreme Court whose unexpired term is less than a year is filled by appointment by the Governor; if the unexpired term exceeds a year, the vacancy is filled at a special election called by the Governor's writ of election as in case of other vacancies. (Hurd's Stat. 1919, ch. 46, par. 131.)

TEACHERS' PENSION, see PUBLIC SCHOOL TEACHERS, ETC.

#### TOWN AUDITORS,

The supervisor, town clerk and the justices of the peace of the town constitute the board of auditors. (Hurd's Stat. 1919, ch. 139, par. 118.)

#### TOWN BOARD OF APPOINTMENT,

The two justices of the peace of the town, with the supervisor and the town clerk, constitute the

town board of appointment; and in case of a vacancy in the board, the remaining members fill the same, except in case of a vacancy in justice of the peace. (Hurd's Stat. 1919, ch. 139, pars. 97, 98.)

### TOWN CLERK,

The office of township clerk may be abolished in towns lying wholly within cities of more than 50,000 population by adopting the Township Act of 1901. (Hurd's Stat. 1919, ch. 24, par. 644.)

**Announcement of color of primary ballot, posting.** An announcement of the color of the primary ballot of the respective political parties is made by the town clerk and posted in a conspicuous place in his office at least fifteen days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, par. 485.)

**Board of health.** The town clerk is ex officio a member of the board of health in territory lying beyond the limits of an incorporated city or village in counties under township organization. (Hurd's Stat. 1919, ch. 34, par. 116.)

**Certification of candidates.** Twenty-eight days of a primary the town clerk certifies to the board of election commissioners, if there be any in his township, the names of all candidates who have filed nominating petitions in his office in the order of their filing. (Hurd's Stat. 1919, ch. 46, par. 482.)

**Delivery and mailing, official and specimen primary ballots, receipt.** Five days before a primary,



it is the duty of the town clerk to transmit or cause to be delivered to the primary judges the required number of specimen ballots; and twelve hours before the opening of the polls to cause to be delivered to such judges the proper number of official primary ballots for each political party placed in separate sealed packages and marked on the outside with the name of the precinct for which they are intended and the number of ballots enclosed, and to take a receipt therefor. (Hurd's Stat. 1919, ch. 46, pars. 488, 489, 490.)

**Drainage clerk.** In counties under township organization, the town clerk is ex officio clerk of the drainage commissioners of all drainage districts lying wholly within his town and of all union drainage districts the greater portion of which lie in his town. (Hurd's Stat. 1919, ch. 42, par. 76.)

Election, see Supervisor.

**Election returns.** Election returns in counties under township organization are kept by the town clerk until the next general election. (Hurd's Stat. 1919, ch. 46, par. 62.)

**Nomination canvassing board.** The town clerk is a member of the trial board that hears and passes upon objections to nominations for town offices. (Hurd's Stat. 1919, ch. 46, par. 297.)

**Posting, primary ballot.** Fifteen days previous to a primary, it is the duty of the town clerk to post in a conspicuous place in his office an announce-

ment of the color of the primary ballot of the respective parties. (Hurd's Stat. 1919, ch. 46, par. 485.)

**Printing, official and specimen primary ballots, number.** In townships that are not coextensive with cities having a board of election commissioners, it is the duty of the town clerk to prepare the official and specimen primary ballots containing the names of candidates for township offices, including state offices, if any, the specimen ballots to be of a different texture and color from the official ballots and cause a sufficient number of the ballots to be printed for each precinct in the township, or twice as many ballots as there are persons who voted at the last preceding election, including an ample supply of extra ballots to be retained after the primary and in case of loss and destruction of ballots. (Hurd's Stat. 1919, ch. 46, pars. 483, 484, 488, 489, 491.)

In preparing the official primary ballot, it is the duty of the town clerk to place thereon the names of all candidates nominated for office to be filled by the electors of the entire town as shown by the certificate of the canvassing board on file in his office. (Hurd's Stat. 1919, ch. 46, par. 510.)

Specimen ballot, publication, see County clerk.

Term of office, see Supervisor.

Vacancy, see Assessor.

**TOWN CLERK (INCORPORATED TOWNS OF 25,000 AND OVER),**

Election in towns of twenty-five thousand, see Assessor.

Nominating petition, Cicero, filing, see Assessor.

**TOWNSHIP ASSESSOR,**

The office of township assessor may be abolished in towns lying wholly within cities of more than 50,000 population by adopting the Township Act of 1901. (Hurd's Stat. 1919, ch. 24, par. 644.)

**Board of health.** The assessor is ex officio member of the board of health in territory lying beyond the limits of an incorporated city or village in counties under township organization. (Hurd's Stat. 1919, ch. 34, par. 116.)

Election, see Supervisor.

**Election in towns of twenty-five thousand and over.** In incorporated towns having a population of twenty-five thousand and over, the Acts of June 14 and June 25, 1917 (Hurd's Stat. 1919, ch. 24, pars. 835, 837), which change the term of office from two to four years, are valid, as they expressly apply to assessor, collector, supervisor, president of board of trustees and town clerk elected in and after 1920. *People v. Lueders* (1918), 283 Ill. 283, 285.

**Nominating petition, Cicero, filing.** In the town of Cicero the nominating petitions for assessor, col-

lector, supervisor, president of board of trustees and town clerk are filed with the ex officio election commissioners in Chicago and not with the town clerk. *People v. Lueders* (1918), 283 Ill. 283, 286.

**Nominating petition, signatures, filing.** In townships coextensive with cities and in incorporated towns or villages, the signatures of half of one per cent of a candidate's party's vote of the qualified electors in the township, town or village are necessary to a nominating petition for the office of township assessor; which petition is filed with the town clerk between twenty and thirty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

See note to supervisor, nominating petition, etc.

**Nomination.** In townships coextensive with cities, incorporated towns or villages candidates for township assessor are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Term of office.** A person elected township assessor in counties not under township organization, holds office for a term of one year and in counties under township organization for a term of two years, commencing on the first day of January following election and until a successor is elected and qualified. (Hurd's Stat. 1919, ch. 120, par. 318; ch. 139, par. 154.)

Vacancy, see Assessor.

## TOWNSHIP COLLECTOR,

The office of township collector may be abolished in towns lying wholly within cities of more than 50,000 population by adopting the Township Act of 1901. (Hurd's Stat. 1919, ch. 24, par. 644.)

**Election.** In counties under township organization of less than 100,000 inhabitants, the county collector is ex officio township collector; in counties under township organization of 100,000 inhabitants and over the township collector is elected at the same time as the supervisor. See Supervisor. (Hurd's Stat. 1919, ch. 139, par. 61.)

Term of office, see Supervisor.

Vacancy, see Assessor.

## TOWNSHIP COLLECTOR (INCORPORATED TOWNS OF 25,000 AND OVER).

Election in towns of twenty-five thousand, see Assessor.

Nominating petition, Cicero, filing, see Assessor.

## TOWNSHIP HIGH SCHOOL BOARD,

**Election.** Annually on the second Saturday in April one or two persons are elected as members of the township high school board of education consisting of five members. (Hurd's Stat. 1919, ch. 122, par. 86.)

**Nominating petition, filing.** Candidates for the office of member of a township high school board

of education are nominated by petition signed by at least ten per cent, but not to exceed fifty, of the legal voters of the district and filed with the secretary of the board of education. (Hurd's Stat. 1919, ch. 122, par. 86.)

**Term of office.** A person elected member of a township high school board of education holds office for a term of three years. (Hurd's Stat. 1919, ch. 122, par. 86.)

**Vacancy.** A vacancy in the office of member of a township high school board of education is filled by special election, held on any Saturday. (Hurd's Stat. 1919, ch. 122, par. 86.)

#### TOWNSHIP OFFICERS,

Townships that lie wholly within a city of more than 50,000 population may dispense with township officers by adopting the Townships Act of 1901, in which case the county clerk is ex officio town clerk as well as township assessor, the county treasurer is ex officio collector and supervisor, the office of highway commissioner is abolished, and the county board exercises the powers vested in town meetings and board of auditors. (Hurd's Stat. 1919, ch. 24, pars. 643, 644, 645.)

See Community building board.

**Annual town meeting.** The annual town meeting for the election of town officers is held on the first Tuesday of April in each year. (Hurd's Stat. 1919, ch. 139, par. 51.)

**List of, filing.** Within twenty days after election, the town clerk files in the office of the county clerk a list of the names of all town officers elected at the annual town meeting. (Hurd's Stat. 1919, ch. 139, par. 73.)

**Nomination.** Nominations by political parties in townships that are not coextensive with the corporate limits of a city or incorporated town or village are made by convention or caucus or by petition in case of independent candidate. (1919-20 Atty. Gen. Rep., 55.)

**Qualification.** A candidate for a town office must be a legal voter and a resident of the town for at least one year. (Hurd's Stat. 1919, ch. 139, par. 84.)

**Special town meeting, statement, filing.** The supervisor, town clerk and a justice of the peace or any two of them, together with at least fifteen voters, may secure the holding of a special town meeting upon filing in the office of the town clerk a statement in writing, stating that a special meeting is necessary for the interests of the town and setting forth the objects of the meeting. (Hurd's Stat. 1919, ch. 139, par. 57.)

**Vacancy.** A vacancy occurring in a town office is filled by the town board of appointment for the unexpired term and until the election or appointment of a successor. In making an appointment to fill a vacancy, the town board of appointment causes a warrant of appointment to be filed in the

office of the town clerk, who immediately notifies the appointee. (Hurd's Stat. 1919, ch. 139, pars. 98, 99.)

#### TOWNSHIP PARK COMMISSIONERS,

**Election.** In a park or parkway established under the Parks and Parkways Act of 1911, after the first appointment, one park commissioner is elected at each annual town or township election. (Hurd's Stat. 1919, ch. 105, par. 328.)

**Term of office.** A person elected town or township park commissioner holds office for a term of three years and until a successor is elected and qualified. (Hurd's Stat. 1919, ch. 105, par. 328.)

**Vacancy.** A vacancy in the office of township park commissioner is filled by the county judge for the unexpired term. (Hurd's Stat. 1919, ch. 105, par. 328.)

#### TRADE AND COMMERCE DIRECTOR AND ASSISTANT,

Appointment and term of office, see Governor, civil administrative officers.

#### TREASURER ROAD AND BRIDGE FUND,

The treasurer of the road and bridge fund is the supervisor in counties under township organization, or the road district clerk in counties not under township organization, by virtue of their respective offices. (Hurd's Stat. 1919, ch. 121, par. 42 [c]).



TRUSTEES EAST SIDE LEVY AND SANITARY DISTRICT, see SANITARY DISTRICT TRUSTEES.

#### UNITED STATES SENATOR,

**Election.** In the fall of 1920 and 1924 and every six years thereafter from each of said years, one United States senator is to be elected for Illinois. The old term expires on the third and the new term begins on the fourth of March of the year following the election. (U. S. Const., art. 1, § 3; Amend. 17; Hurd's Stat. 1919, ch. 46, par. 6a.)

**Nominating petition, signatures, filing.** A nominating petition for the office of United States senator must have not less than one nor more than two thousand of his party's primary electors' signatures and filed in the office of the secretary of state not more than sixty nor less than forty days prior to the date of the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for United States senator are nominated at a primary. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Vacancy.** A vacancy in the office of United States senator is filled by temporary appointment by the Governor, the appointee to hold office until the next election for representative in Congress when a senator is elected for the unexpired term. (Hurd's Stat. 1919, ch. 46, par. 130a.)

The foregoing provision is in direct conflict with the Federal Constitution which requires vacancies in the representation of a state to be filled by the executive authority issuing writs of election. (U. S. Const., art. 1, § 2, cl. 4; 10 Fed. Const. Ann. (2nd ed.) 343.)

#### UNIVERSITY TRUSTEES,

**Election.** In the fall of 1922 and every two years thereafter, there are elected three trustees of the university of Illinois. (Hurd's Stat. 1919, ch. 144, pars. 17, 18.)

**Term of office.** The trustees of the university of Illinois are elected for a term of six years from the second Tuesday of March next after the date of their respective elections. (Hurd's Stat. 1919, ch. 144, pars. 17, 18.)

#### VACANCIES,

**Causes creating vacancy in elective office.** An elective office becomes vacant when the incumbent (1) has died; (2) has resigned; (3) has become insane; (4) has ceased to be an inhabitant of the state, or if the office is local, of the district, county, town or precinct for which he was elected; (5) has been convicted of an infamous crime or of any offense involving the violation of the official oath; (6) has been removed from office; (7) has refused or has neglected to give or renew his official bond, or to deposit or file it within the proper time; (8)

has failed, if state treasurer or auditor of public accounts, to give bond or take official oath within ten days after having been declared elected, or has failed to give additional bond within twenty days after notice from the Governor who deems it best that the office be declared vacant on that account; (9) or when a competent tribunal has declared void the incumbent's election. (Hurd's Stat. 1919, ch. 15, par. 4; ch. 130, par. 4; ch. 46, par. 125.)

**Civil administrative officers.** A vacancy in an office under the Civil Administrative Code, occurring during recess of the Senate, is filled by temporary appointment by the Governor until the next meeting of the Senate. (Hurd's Stat. 1919, ch. 241½, par. 12.)

**Clerks of courts.** In case a vacancy occurs in the office of clerk of a court of record created by statute or in the office of clerk of the Supreme Court, the circuit court, the superior court of Cook County or the county court and the unexpired term exceeds one year, the judge or court appoints a clerk pro tempore, who gives bond and takes oath the same as an elected clerk and holds office until some person is elected at the next county general election of officers or at a special election called for the purpose. If the vacancy is in the office of clerk of the Supreme Court, the circuit court or the superior court of Cook County and the unexpired term does not exceed one year, the appointment is made by the court for the unexpired term. (Hurd's

Stat. 1919, ch. 25, par. 11; ch. 37, par. 277; ch. 46, par. 132.)

**County officers.** The county board may declare a vacancy in the office of a county officer who holds over and fails to give a new bond within thirty days after the expiration of the time for which he was elected. (Hurd's Stat. 1919, ch. 103, par. 18.)

In county offices vacancies may occur by reason of a convention chairman and secretary's failure to file with the county clerk a certificate of nomination within the statutory time for filing and the absence of a rule or resolution of the convention for filling vacancies and when there is no time for the calling of another convention; in which case, the regular managing committee of a political party in the county may fill such vacancies by a renomination or by nominating other persons for the same offices and by filing its certificate within the time required by law. *People v. Hartley* (1897), 170 Ill. 370.

**County or precinct officers.** Vacancies in county or precinct offices not otherwise provided for are filled by appointment by the county board until the next county or precinct election when a successor is elected for the unexpired or full term. (Hurd's Stat. 1919, ch. 46, par. 133.)

**Existence.** The existence of a vacancy is an essential prerequisite to the holding of an election to fill it. *Simons v. People* (1886), 119 Ill. 617, 620.

**Existence, determination.** The officer, court or county board whose duty it is to fill a vacancy by appointment or by calling an election is the only authority to determine whether or not a vacancy exists whenever facts are brought to his or their attention showing that there is a vacancy in a public office. (Hurd's Stat. 1919, ch. 46, par. 126.)

**Failure to elect.** The election of an ineligible person to a public office amounts to a failure to elect and creates a vacancy in the office. (1917-18 Atty. Gen. Rep., 280.)

**Governor and lieutenant governor.** Vacancies in the office of Governor and Lieutenant Governor occurring 90 or less days before a general election for members of the legislature are filled at such election; vacancies in the office of Governor and Lieutenant Governor taking place more than 90 days before a general election for members of the legislature are filled at a special election called by the officer performing the duties of the office of Governor, or if there be no such officer, by the secretary of state, who issues a proclamation appointing a day for such an election, issues a writ of election to the county clerks of the several counties in the state, and if necessary, calls a special session of the General Assembly to canvass the votes cast at such election. (Hurd's Stat. 1919, ch. 46, par. 127.)

**Nomination.** A vacancy occasioned by a candidate's death or declination, or by inoperative nom-

ination or insufficient certificate, is filled in the manner provided by the convention, caucus or meeting or by a regularly elected general or executive committee representing a political party or persons holding such convention, caucus or meeting. (Hurd's Stat. 1919, ch. 46, par. 296.)

#### VALIDATING ACTS.

**School elections.** All steps taken under an invalid law are an absolute nullity and of no effect, except in case of a school district, the actual establishment and conduct of the school may be validated by a curative act irrespective of any steps taken under a void law. *Zeigler v. Douglas* (1918), 283 Ill. 407, 412, 413.

#### VERIFICATION LISTS,

**Complaint.** One of the judges makes a cross or check-mark in ink on the verification list opposite the name of a person against whom a sworn complaint has been made before the board of registry that the person registered is not a qualified voter, unless the judges know that the complaint has been made to vex or harass the voter; in which case, the name may or may not be placed on the list in accordance with the desire of the judges or any of them. (Hurd's Stat. 1919, ch. 46, par. 200.)

**Requirements and form.** A verification list consists of a blank book containing pages sufficient to allow six pages for each street, avenue, alley and

court in the precinct, each page being ruled into three columns, as follows:

REGISTERED NAMES.

Street Number	(Name)..... Street.	Names

(Hurd's Stat. 1919, ch. 46, par. 200.)

**Return.** The verification lists are returned to the election commissioners immediately after final revision. (Hurd's Stat. 1919, ch. 46, par. 203.)

**Transfer from register.** During the progress of registration or immediately thereafter, the clerks of the election board, or the election commissioners in case of an intermediate registration, transfer from the register to the verification lists all names of registrants, arranging them according to street, avenue, alley or court, beginning with the lowest residence number and placing the numbers numerically, as near as possible, from the lowest up to the highest, first writing the name of the street at the top of the second column. (Hurd's Stat. 1919, ch. 46, pars. 200, 212.)

See Canvassers, also Registration, Transfers.

VILLAGE CANVASSING BOARD,

The village president, one trustee, and the village clerk, unless there is a board of election commis-

sioners, constitute the village canvassing board to canvass primary returns for village officers. (Hurd's Stat. 1919, ch. 46, par. 507.)

VILLAGE CANVASSING BOARD, see CITY CANVASSING BOARD.

### VILLAGE CLERK,

**Delivery and mailing, official and specimen primary ballots, receipt.** Five days before a primary, it is the duty of the village clerk to transmit or cause to be transmitted to the primary judges the required number of specimen ballots; and twelve hours before opening the polls to cause to be delivered to such judges the proper number of official primary ballots for each political party placed in separate sealed packages and marked on the outside with the name of the precinct for which they are intended and the number of ballots enclosed, taking a receipt therefor. (Hurd's Stat. 1919, ch. 46, pars. 488, 489, 490.)

Election, see Village offices.

**Nomination canvassing board.** The village clerk is a member of the trial board that hears and passes upon objections to nominations for village offices. (Hurd's Stat. 1919, ch. 46, par. 297.)

**Posting, primary ballot.** Fifteen days previous to a primary the village clerk is required to post in a conspicuous place in his office an announcement of



the color of the primary ballot of the respective parties. (Hurd's Stat. 1919, ch. 46, par. 485.)

**Printing official and specimen primary ballots, number.** Unless the village is coextensive with a city or town having a board of election commissioners, it is the duty of the village clerk to prepare the official and specimen primary ballots containing the names of candidates for village offices, including state offices, if any, the specimen ballots to be of a different texture and color from the official ballot, and cause a sufficient number of the ballots to be printed for each precinct in the village or twice as many ballots as there are persons who voted in the last preceding election, including an ample supply of extra ballots to be retained after the primary and in case of loss and destruction of ballots. (Hurd's Stat. 1919, ch. 46, pars. 483, 484, 488, 491.)

In preparing the official primary ballot, it is the duty of the village clerk to place thereon the names of all candidates nominated for office to be filled by the electors of the entire village as shown by the certificate of the canvassing board on file in his office. (Hurd's Stat. 1919, ch. 46, par. 510.)

**Vacancy.** A vacancy in the office of village clerk during the first year of the term is filled by appointment by the president and board of trustees until the next annual election of trustees, when the vacancy for the remainder of the term is filled by election. (Hurd's Stat. 1919, ch. 24, par. 675.)

VILLAGE MARSHAL, see VILLAGE OFFICES.

### VILLAGE OFFICES,

**Appointive officers.** The board of trustees may appoint a treasurer, street commissioners, a village marshal, a clerk pro tem if necessary to fill a vacancy, and such other officers as are needed to carry into effect the board's powers. (Hurd's Stat. 1919, ch. 24, par. 188.)

**Election.** The regular annual election for three trustees and a village clerk occurs in even-numbered years and for three trustees and a village president the election is held in odd-numbered years on the third Tuesday or the first Tuesday in April if the territorial limits of the village coincide with the territorial limits of a township.

At this election there is also elected a police magistrate; if there be none, or to fill a vacancy. (Hurd's Stat. 1919, ch. 24, pars. 190, 192, 193h, 675, 699, 837.)

As to commission, qualification and vacancy, see City offices.

### VILLAGE PRESIDENT,

Election, see Village offices.

**Nomination canvassing board.** The village president is a member of the trial board that hears and passes upon objections to nominations for village offices. (Hurd's Stat. 1919, ch. 46, par. 297.)

**Term of office.** A village president in all towns except incorporated towns of 25,000 population and over, is elected for a term of two years and until his successor is elected and qualified. In incorporated towns of 25,000 population and over, the president's term is four years. (Hurd's Stat. 1919, ch. 24, pars. 193h, 838.)

VILLAGE TREASURER, see VILLAGE OFFICES.

VILLAGE TRUSTEE,

Villages organized under the Cities and Villages Act have six trustees in addition to a president, one-half of whom are elected annually. (Hurd's Stat. 1919, ch. 24, pars. 185, 193h, 699.)

**Nomination canvassing board.** One trustee chosen by lot is a member of the trial board that hears and passes upon objections to nominations for village offices. (Hurd's Stat. 1919, ch. 46, par. 297.)

**Qualification.** A person elected to the office of village trustee cannot hold another office during his term by appointment of the village president. (Hurd's Stat. 1919, ch. 102, par. 2.)

**Term of office.** Village trustees are elected for a term of two years and until their successors are elected and qualified. (Hurd's Stat. 1919, ch. 24, pars. 185, 699.)

## VOTERS,

**Alien women.** Alien married women become American citizens by virtue of their husbands' naturalization and require no greater residence than one year in the state, ninety days in the county and sixty days in the election precinct next preceding an election. (1919-20 Atty. Gen. Rep. 952.)

**Community consolidated school district.** Women are not qualified to vote upon the question of organizing a community consolidated school district. *People v. Clark* (1921), 298 Ill. 170, 172.

**Convicts.** Convicts while serving out a penitentiary sentence; or persons in the county jail for bribery in elections, have no right to vote. (Hurd's Stat. 1919, ch. 46, pars. 70, 83.)

**County seat election.** A person must be a bona fide resident of the county continuously for six months and in the state one year immediately preceding the election, in addition to being a native or naturalized adult citizen of the United States or an elector in this state in 1848, and a legal voter in the election precinct, to entitle him to vote at a county seat election. (Hurd's Stat. 1919, ch. 34, par. 102.)

**Court-martial.** The sentence of a court-martial does not disfranchise. (1919-20 Atty. Gen. Rep. 920.)

**Drainage commissioners.** In elections for drainage commissioner organized under the Farm Drain-

age Act, every adult owner of land in the district, whether residing within or without it, may vote. (Hurd's Stat. 1919, ch. 42, pars. 89a, 129.)

**Enlisted men.** Qualified electors enlisted in organized companies or regiments, engaged in the actual military service of the state or of the United States, and absent from their election precincts on the day of election, may vote under the Military Service Absent Voters' Act only for state officers and on state-wide questions at a general election. (Hurd's Stat. 1919, ch. 46, par. 570.)

**Foreign enlistment.** An oath of allegiance is necessary to restore citizenship to a person who had enlisted in foreign military or naval service. (1919-20 Atty. Gen. Rep., 902.)

**High or community high school district.** Women are not permitted by section 270 of the School Law, nor by the Woman's Suffrage Act of 1913, to vote on the proposition to establish and organize a high or a community high school district, *People v. Lowenstein* (1921), 297 Ill. 395, 397, notwithstanding the Woman's Suffrage Amendment to the Federal Constitution, since citizenship is only one of the legal qualifications of a voter.

Insane persons, see Patients.

- **Lodging houses, citation and hearing.** Upon written information of the election commissioners' attorney or any voter's complaint, a landlord, keeper or manager of a lodging or boarding house,

inn, hotel or tavern who fails or neglects to file a sworn statement of his roomers, boarders or guests may be cited (the citation to be served not later than the day preceding its return day) to appear before the election commissioners on Friday of the fourth week preceding the week in which the election is to be held and furnish such sworn statement or give such sworn oral information as may be required by the commissioners. (Hurd's Stat. 1919, ch. 46, par. 194.)

**Lodging houses, statement, requirements.** Twenty-eight or thirty days prior to an election, lodging or boarding house, inn, hotel or tavern landlords, keepers or managers in a municipality under the City Election Law must make a sworn written statement, giving the full name of all roomers, boarders or guests, the period of their continuous residence ending at the date of the statement, the numbers of the rooms, beds or cots of the occupants, the period for which accommodation has been engaged, and such other information as the election commissioners may designate by rule or regulation. (Hurd's Stat. 1919, ch. 46, par. 193.)

**Naturalization.** Aliens who have received only first papers are not qualified to vote. (1919-20 Atty. Gen. Rep., 160, 722.)

**Patients.** Patients of hospitals or insane asylums vote in the election precinct or district of the town, city or village in which they resided prior to com-

ing to the institution. (Hurd's Stat. 1919, ch. 46, par. 66a.)

**Paupers.** Inmates of a poor house vote in their election precinct or district of the town, city or village in which they resided before becoming inmates. (Hurd's Stat. 1919, ch. 46, par. 66a.)

**Qualifications generally.** Those who have voted the first of April, 1848, those who were naturalized prior to January, 1870, and who are citizens of the United States above the age of 21 years, who have resided in this state one year, in the county ninety days and in the election precinct or district thirty days next preceding an election or a primary may vote at such election or primary.

In cities under the City Election Law, the qualifications of voters are substantially the same as above, except as to registration, in which case persons must be duly registered.

Men or women are disqualified from voting at a primary for (a) refusal to declare one's party affiliation when about to vote at the primary; (b) signing a nominating petition of a candidate of another political party than the one with which the voter is affiliated; (c) signing nomination papers of an independent candidate for office for which candidates are nominated at a primary; and (d) within two years next preceding the primary voting at a primary of another political party which is not such solely within a city, village or town. (Hurd's Stat. 1919, ch. 46, pars. 65, 196, 494, 495.)

Since the Fed. Const., amend. 19, no distinction exists between male and female citizens.

**Soldiers and sailors.** Inmates of soldiers and sailors' homes who have been in the state one year and in the home ninety days may vote in the election precinct or district in which the home is situated, if not challenged; and if required by making oath that it was their bona fide intention at the time of entering the home to make it their permanent abode. (Hurd's Stat. 1919, ch. 46, par. 66b.)

**Women.** All women of twenty-one years of age and over who reside in the state one year, in the county ninety days, in the election district thirty days next preceding an election, who are citizens of the United States and registered if registration is required, are entitled to vote at all elections. (Hurd's Stat. 1919, ch. 46, par. 545, as amended; ch. 122, par. 270.)

## VOTING,

**Absence from state.** A legal voter does not lose his right to vote in this state by temporary absence on business in another state. *Collier v. Anlicker* (1901), 189 Ill. 34, 47.

**Absenting.** A voter may absent himself for any two working hours irrespective of the hour allowed for luncheon. (1919-20 Atty. Gen. Rep., 161.)

**Affidavit as to qualifications, refusal.** One who is of the class of persons from whom an affidavit as to



his qualifications can be required cannot refuse to make it if the judges of election request him to do so, although he is known to them as a legal voter. *Bloome v. Hograeff* (1901), 193 Ill. 195, 197.

**Affidavit of marriage, form.**

State of Illinois, }  
 .....County. } ss.

I do solemnly swear that I am the same person now registered in the.....precinct of the .....ward, and that I still reside in said precinct.

Subscribed and sworn to before me this.....  
 day of..... A. D. 19.....

.....  
 .....  
 (Hurd's Stat. 1919, ch. 46, par. 234.)

**Age.** A woman under twenty-one years of age is not qualified to vote in Illinois. *Collier v. Anlicker* (1901), 189 Ill. 34, 45.

**Alderman, cumulative voting.** In cities under minority representation, a voter may cast as many votes as there are aldermen to be elected in his district, or he may divide or distribute his vote among them. (Hurd's Stat. 1919, ch. 24, par. 54.)

In cities under minority representation, electors at an aldermanic primary may cast as many votes for one candidate as there are candidates to be nominated, or they may distribute their vote or

equal parts thereof among all of the candidates for nomination. (Hurd's Stat. 1919, ch. 46, par. 462.)

Alien woman, see Naturalization.

**Assistants for illiterate or physically disabled persons, voting machine, appointment.** Two election officers of different parties selected from the judges and clerks of the precinct may be designated by the judges of election at the opening of the polls to assist illiterate or physically disabled persons to use the voting machine, and when acting for any one in the capacity of assisting illiterate or physically disabled persons, they are, by statute, enjoined against giving any information regarding the same. (Hurd's Stat. 1919, ch. 46, par. 438.)

**Assisting voter, oath.** Before a person can be assisted to vote he must be required to take an oath as to his inability to mark the ballot. *Gill v. Shurtleff* (1900), 183 Ill. 440, 446.

**Ballots, receiving and returning.** A registered person who desires to vote must present himself at the polls within the enclosed space, announce his name, and if required, give his residence; whereupon he is given a ballot.

An unregistered person when registration is necessary, or a person who has been challenged must first make affidavit (and obtain a supporting affidavit) before he is given the ballot. (Hurd's Stat. 1919, ch. 46, par. 309.)

Upon being challenged a voter must actually make, present his affidavit and supporting affidavit,

and demand a ballot for the purpose of voting before he can hold criminally the judges of election for a refusal to permit him to vote. *Sharp v. People* (1883), 14 Ill. App. 224, 227.

An elector when about to vote is given at one and the same time all of the ballots, those containing the names of candidates and those relating to constitutional amendments or public measures to be voted at the election, and immediately after he has voted, he is required to return such ballots to the proper officer. (Hurd's Stat. 1919, ch. 46, par. 303.)

In case of a primary, upon stating to the primary judges the name, residence and party affiliation, and when not challenged, each primary elector is given a single initialed ballot of the proper political party. No ballot should be given a person who has been challenged until he has established his right to vote. (Hurd's Stat. 1919, ch. 46, par. 495.)

When a primary elector has been handed a ballot, his name, address and party affiliation are announced by one of the primary judges in a distinct and loud voice sufficiently to be heard within the polling place. (Hurd's Stat. 1919, ch. 46, par. 495.)

**Camp election.** Before receiving an official ballot, a person desiring to vote is required to subscribe the oath printed upon the official envelope, state his name and residence by street and number, if any, county, city or town, and give such further

information as is necessary to be entered upon the poll books. He then receives the official ballot, retires to some convenient place and prepares his ballot and envelope for voting. After voting he folds the ballot in a way that its contents are concealed, encloses the same in the official envelope and securely seals it. He then delivers the envelope to the chairman of the board of judges.

Any one of the judges of election at a camp election may administer and attest the oath to a person desiring to vote.

As each person makes oath and gives the necessary information, the judge or chairman in charge of the polls and envelopes writes in the proper blank spaces upon an official envelope, the name and residence, by street and number, if any, of the voter, and the county, city or town in which he claims to reside, delivering to him the ballot or ballots with an envelope for voting.

When an envelope is presented by a voter for deposit in the ballot box, the chairman states the name of the voter, his residence, whether or not he is entitled to vote and whether or not the envelope is securely sealed. If the voter's name and the other information appears upon the poll book, the judge in charge of it so announces and records the voter as voting; whereupon the chairman deposits the envelope in the ballot box. (Hurd's Stat. 1919, ch. 46, pars. 576, 577.)

**Central committeeman.** In a county in which a political party has polled in the senatorial district

the larger number of votes at the general election for state and county officers next preceding the primary, an elector may vote for two members of the senatorial committee of his party; in a county in which a political party has polled at such election the next highest number of votes, an elector of such party may vote for one candidate of his party. (Hurd's Stat. 1919, ch. 46, par. 535, as amended.)

**Challenged primary voter, qualifying affidavit, form.** A person who has been challenged at a primary makes an affidavit substantially as follows:

State of Illinois, }  
County of..... } ss.

I, ....., do solemnly swear (or affirm) that I am a citizen of the United States, of the age of twenty-one years or over, and am qualified to vote under and by virtue of the constitution and laws of the state of Illinois, and am a legally qualified voter of this precinct; that I now reside at ..... (insert street and number, if any) in this precinct and am a member of and affiliated with the..... party; that I have not voted at a primary of another political party within a period of two years prior to this date; and that I voted at the..... city, village or town primary, with the..... political party, at the..... election held in..... A. D....., which said..... political party was entitled at said primary to make nominations of can-

didates, for city, village or town offices only, and for no other offices, and that the name or names of no candidate or candidates of the..... political party (the political party with which the primary elector declares himself affiliated) were, at such city, village or town primary, printed on the primary ballot; that I have not signed the petition for nomination of a candidate of a political party with which I am not affiliated, and that I have not signed the nominating papers of an independent candidate for any office for which office candidates for nomination are voted for at this primary.

.....  
 Subscribed and sworn to before me, this.....  
 day of.....A. D. 19.....

.....  
 Judge of primary.

(Hurd's Stat. 1919, ch. 46, par. 496.)

**Challenged primary voter, supporting affidavit, form.** A person challenged at a primary must obtain a supporting affidavit, as follows:

State of Illinois,  
 County of.....<sup>ss.</sup>

I, ....., do solemnly swear (or affirm) that I am a householder of this precinct and entitled to vote at this primary; that I am acquainted with (name of party challenged), whose right to vote at this primary has been challenged; that I know him to be an actual bona fide resident of this precinct and that he has resided herein thirty

days, and I verily believe he has resided in this county ninety days, and in this state one year next preceding this primary; that I verily believe he is a member of and affiliated with the..... party.

.....  
 Subscribed and sworn to before me, this..... day of..... A. D. 19.....; and I hereby certify that the affiant..... is personally known (or has been proven to the judges) to be a householder in the precinct.

.....  
 Judge of primary.

(Hurd's Stat. 1919, ch. 46, par. 496.)

**Challenged voter.** Challenged persons who are unknown to the election judges may vote by making oath or affirmation as to their qualifications and supporting it by affidavit of a resident in the election precinct or district who is known to the judges of election or who is proven to be a resident by some legal voter of the precinct or district and known to the judges. (Hurd's Stat. 1919, ch. 46, pars. 67, 68.)

A challenge need not be met by affidavit when the challenge relates to an immaterial qualification of the voter. Thus a challenge that women who offer to vote at a school election are not registered is no challenge in law for the reason that school elections require no registration. *Bloome v. Hograeff* (1901), 193 Ill. 195, 198.

An elector who has been challenged may demand a qualifying and supporting affidavit and the judges of election must furnish the same and administer the oath without criticism. (Hurd's Stat. 1919, ch. 46, par. 233.)

**Challenged voter, qualifying affidavit, form.** A person who has been challenged at an election makes the following affidavit:

State of Illinois, }  
 County of..... } ss.

I, ....., do solemnly swear (or affirm) that I am a citizen of the United States (or "that I was an elector on the first day of April, A. D. 1848," or "that I obtained a certificate of naturalization before a court of record in this state prior to the first day of January, A. D. 1870," as the case may be); that I have resided in this state one year, in this county ninety days and in this election district thirty days next preceding this election; that I now reside at (here give the particular house or place of residence, and, if in a town or city, the street and number), in this election district; that I am twenty-one years of age and have not voted at this election. So help me God (or "this I do solemnly and sincerely affirm," as the case may be.)

.....  
 Subscribed and sworn to before me this.....  
 day of.....A. D. 19.....

(Hurd's Stat. 1919, ch. 46, par. 67.)



**Challenged voter, supporting affidavit, form.** A supporting affidavit of a person challenged is substantially as follows:

State of Illinois, }  
County of..... } ss.

I, ....., do solemnly swear (or affirm) that I am a resident of this election precinct or district and entitled to vote at this election, and that I have been a resident of this state for one year last past, and am well acquainted with the person whose vote is now offered; that he is an actual bona fide resident of this election precinct or district; and has resided herein thirty days, and, as I verily believe, in this county ninety days, and in this state one year next preceding this election.

.....  
Subscribed and sworn to before me this.....  
day of ....., A. D. 19.....  
(Hurd's Stat. 1919, ch. 46, par. 68.)

**Challenged voter, qualifying affidavit, requirements.** Under the City Election Law, the affidavit of an elector who has been challenged states how long the affiant resided in the precinct, county and state, that he is a citizen of the United States, that he is a duly qualified elector in the precinct, and that he is the identical registered person. (Hurd's Stat. 1919, ch. 46, par. 233.)

**Challenged voter, supporting affidavit, requirements.** In cities having election commissioners the

supporting affidavit of a challenged voter is made by a householder residing in the precinct, states that he knows the person challenged and that such person has resided in the precinct, county and state for a certain length of time. (Hurd's Stat. 1919, ch. 46, par. 233.)

**Challengers.** A challenger who has been appointed to act as such at a county seat election at a precinct other than the one in which he resides may vote by attaching to his ballot an affidavit setting forth his appointment and expressing a desire to vote at such election. (Hurd's Stat. 1919, ch. 34, par. 99.)

**Challengers, appointment, county seat election.** In a county seat election, the proposed point to which a county seat is sought to be removed and the existing county seat are each represented in every voting place in the city, precinct or township by three resident legal voters appointed by the county court to challenge any and all persons whom they have good reason to believe are not legal voters and to sit with the judges of election until its close and during the canvass of the votes. (Hurd's Stat. 1919, ch. 34, par. 99.)

**Challengers, presence.** The duly appointed challengers have the right and privilege to remain during the canvass of the votes and until the returns are duly signed and made. (Hurd's Stat. 1919, ch. 46, par. 235.)

**Challenging absent voter.** Challengers may question the right of an absent voter to cast his ballot, the same as if he were present and voting. (Hurd's Stat. 1919, ch. 46, par. 564.)

**Challenging voter, assigning reasons.** In cities having election commissioners, a person who challenges a voter must assign his reasons therefor. (Hurd's Stat. 1919, ch. 46, par. 233.)

**Challenging voter, examination.** Under the City Election Law, an elector who has been challenged may be questioned by one or more of the judges of election, touching the cause of challenge or any other cause of disqualification and identity. (Hurd's Stat. 1919, ch. 46, par. 233.)

**Challenging voter, oath.** An elector who is challenged takes an oath to answer questions, which oath can only be administered by one of the judges. (Hurd's Stat. 1919, ch. 46, par. 233.)

**Challenging voter, receipt of vote.** In case a person has been challenged and a majority of the judges are of the opinion, after questioning, that the person is duly registered and is a qualified voter, his vote is received accordingly, but if the vote may only be received upon producing and delivering to the judges a sworn affidavit of himself and supporting affidavit of a registered voter in the precinct. (Hurd's Stat. 1919, ch. 46, par. 233.)

A challenged person who presents the statutory affidavit and supporting affidavit must be permitted to vote. (1919-20 Atty. Gen. Rep. 757.)

**Circles, several, intention.** A cross made in one of two party circles having candidates for a particular office and a cross made in other party circles having no candidate for that office is a vote for the candidate whose name appears under the party circle voted. *Caldwell v. McElvain* (1900), 184 Ill. 552, 558; *Parker v. Orr* (1895) 158 Ill. 609, 619.

**City Election Law adoption.** In voting for or against the adoption of the City Election Law and not wishing to vote for any candidate, an elector must erase the candidate's name and vote for or against the proposition. He is not permitted to vote separate tickets, one containing the names of candidates and another the proposition. (*Hurd's Stat.* 1919, ch. 46, par. 158.)

College students, see Students.

**Congressman at large.** No cumulative voting is permissible for congressman at large. (1919-20 *Atty. Gen. Rep.*, 149.)

**County seat election, challenge, affidavit and supporting affidavit.** A voter who is challenged in a county seat election takes and subscribes an affidavit and procures a supporting affidavit as follows:

Affidavit.

State of Illinois, }  
 .....County. } ss.

I do solemnly swear that I am a citizen of the United States, and of this state (or I was an elector in this state on the first of April, 1848, or ob-

tained a certificate of naturalization before a court of record in this state prior to the first of January, 1870, and); that I am above the age of 21 years; that I have resided in this state for one year immediately preceding this election; that I am a bona fide resident of this county, and have permanently resided herein for the last six months immediately preceding this election; that I am a legal voter of (here insert the name of the election precinct), and have permanently resided therein for the last ninety days immediately preceding this election, and that I have not voted at this election.

(Signed) A.....B.....

Subscribed and sworn to before me this.....  
day of.....19.....

.....  
(Official character.)

### Supporting Affidavit.

State of Illinois,  
.....County. ss.

We the undersigned do solemnly swear that we are voters, and legally entitled to vote at this election; that we have known A.....  
B....., the person now offering to vote at this election, for six months; that he has been a permanent resident of this county for six months last past, and for the ninety days immediately preceding this election has permanently resided in (township or precinct).

C.....D.....

E.....F.....

Subscribed and sworn to before me this.....  
day of.....19.....

.....  
(Official character.)

(Hurd's Stat. 1919, ch. 34, par. 102.)

**Cross, irregular.** A cross made by a double instead of one stroke of the pencil or an irregular shaped cross does not invalidate the ballot. *Caldwell v. McElvain* (1900), 184 Ill. 552, 558.

**Cross, place of.** Any cross made in substantially the place designated by statute is a compliance therewith if the judges of election, or the court on a re-count, can see that the voter has made an honest attempt to follow the directions of the law, although done imperfectly as the result of inability or inadvertence. *Parker v. Orr* (1895), 158 Ill. 609, 617.

The proper place of a cross is in the circle or in the square preceding the title or name, and in no other space on the ballot. *Apple v. Barcroft* (1895), 158 Ill. 649, 651.

**Cross, perpendicular lines.** Drawing two perpendicular lines in a party circle or in a square, instead of making a cross, is not a substantial compliance with the statute. *Apple v. Barcroft* (1895), 158 Ill. 649, 650.

**Domicile.** Ordinarily, the domicile of the husband and father as head of the family determines the domicile of the wife and daughter or children

who reside at home. *Behrensmeyer v. Kreitz* (1891), 135 Ill. 591, 635.

The domicile of the husband is in law the domicile of the wife, for the reason that he has the burden of supporting the family and the right to determine where it shall abide. But a woman's domicile does not determine her residence, for the latter requires an actual physical residence within the county for the statutory period. *Dorsey v. Brigham* (1898), 177 Ill. 250, 264, 265.

**Domicile, presumption.** The domicile will be presumed to continue, unless abandoned and another is acquired by actual residence coupled with an intention to make it a permanent home. *Moffett v. Hill* (1889), 131 Ill. 239, 244.

**Depositing ballot.** Only ballots that have the official endorsement should be permitted to be deposited in the ballot box. (Hurd's Stat. 1919, ch. 46, par. 313.)

Eccentrics, see *Non compos mentis*.

**Election precincts or districts.** Persons can vote only in the election district or precinct in which they reside. (Hurd's Stat. 1919, ch. 46, par. 30.)

**Erasures.** Pencil erasures of some or all of the names of candidates on a ballot render it void for any purpose. *Apple v. Barcroft* (1895), 158 Ill. 649, 651.

**Folding ballot.** Each ballot must be folded separately; and if two or more ballots are folded to-

gether, as if cast by the same person, they are not counted, but must be returned in the same condition as when found. (Hurd's Stat. 1919, ch. 46, par. 57.)

**Illiterate or physically disabled persons, voting machines.** Upon oath that a person cannot read the English language or that he is physically disabled to use a voting machine (intoxication not being regarded as a physical disability) the officers appointed as assistants may register the vote of such person upon the machine for the candidates of his choice. (Hurd's Stat. 1919, ch. 46, par. 438.)

**Initialing ballot.** The initials of the primary or election judge who hands the ballot to the elector when about to vote must appear on the back of the ballot in such a way that they can be seen when properly folded. (Hurd's Stat. 1919, ch. 46, pars. 309, 495.)

An elector should require the election judge who hands the ballot to personally initial it. *Laird v. Williams* (1917), 281 Ill. 233, 242.

**Instructions, voting machines.** Two judges of the opposite political party may instruct a voter after entering the voting machine booth who asks for further instructions concerning the manner of voting, without suggesting or seeking to persuade or induce him to vote any particular ticket or for any particular candidate or for or against any particular amendment, question or proposition. (Hurd's Stat. 1919, ch. 46, par. 439.)



**Irregular ballots, voting machines.** Ballots voted for any person whose name does not appear on the ballot label of a voting machine as a candidate for office is called an irregular ballot; such a ballot may be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose. (Hurd's Stat. 1919, ch. 46, par. 443.)

**Leave of absence.** Upon application to an employer one day prior to the holding of an election or a primary and without being liable to penalty or deduction from wages or salary, an employee may obtain leave of absence for a period of two hours between the time of opening and closing of the polls to vote at such election or primary, the employer designating during which two hours the employee may absent himself. (Hurd's Stat. 1919, ch. 46, pars. 312, 458.)

**Marking ballot, spoiled ballot, illiterate or physically disabled voter.** Upon receipt of a ballot, the person forthwith retires alone to one of the unoccupied voting booths, and marks the ballot by placing a cross opposite the name of the candidate of his choice or by writing in the name of his candidate in a blank space provided therefor and placing a cross opposite thereto, or by placing a cross against the answer he desires to give to a question submitted to the vote of the people.

Placing a cross in the circle preceding the party appellation or title under which the names of candidates or petitioners appear is a vote for all of such

candidates or petitioners, unless a cross is also placed opposite the name or names of one or more candidates appearing under the appellation or title of another political party or group of petitioners, in which case a ballot so marked counts for one or more candidates against which name or names there appears a cross and for all of the candidates under the party appellation or group of candidates, except such candidates as have been voted for separately. If the ballot is spoiled by accident or mistake, another ballot will be given the person upon returning the spoiled ballot.

The ballot of a person who claims that he cannot read the English language or that he is physically disabled, but not if he is intoxicated, may be marked in accordance with his wishes by two election officers of different political parties selected from the judges and clerks of election and designated by the judges of election at the opening of the polls.

After so marking the ballot, it is folded by the voter in such a manner as to conceal the marks thereon, is forthwith deposited in the ballot box and the voter immediately leaves the enclosure which he must not again re-enter during the election. (Hurd's Stat. 1919, ch. 46, pars. 310, 311.)

A primary elector upon receiving a ballot must forthwith retire to one of the voting booths, prepare his ballot by marking a cross in the square preceding the name of each candidate of his choice for each office as printed on the ballot, or he may write in or use a sticker when permissible with the

name of another candidate, place a cross opposite such a name and vote for such candidate. No square is necessary in front of the name of a candidate for precinct committeeman when written in.

Primary electors who swear that they cannot read the English language or are physically unable to mark a ballot may be assisted in marking the ballot in the same manner as at general elections.

The voter should see that the ballot on the back bears the judge's initials, that he does not mark more names than there are persons to be nominated for an office, and that he so marks the ballot that there can be no doubt as to his choice.

The ballot is then folded in a manner to conceal the marks thereon before leaving the booth and is handed to the primary judge in charge of the ballot box, who immediately deposits it. (Hurd's Stat. 1919, ch. 46, pars. 497, 498, 499, 502.)

**Mental incapacity.** Old age and feeble health do not disqualify a person from voting if he appears to know what he is doing when offering to vote. *Welsh v. Shumway* (1908), 232 Ill. 54, 75.

Mutilated ballot, see Canvassing votes.

Naturalization, challenging voter, see Evidence.

**Naturalization, declaration of intention.** The mere filing by an alien of a declaration of an intention to become an American citizen does not confer upon him a right to vote. *Carter v. Putnam* (1892), 141 Ill. 133, 136.

**Naturalization, illegitimate child.** The illegitimate child of an alien is naturalized upon his father's naturalization and as so naturalized is entitled to vote. *Dale v. Irwin* (1875), 78 Ill. 170, 186.

**Naturalization, minors.** Children under twenty-one years of age of an alien woman who is naturalized by intermarriage with an American citizen and dwelling in the United States at the time of naturalization, become citizens by virtue of their mother's citizenship. *Behrensmeyer v. Kreitz* (1891), 135 Ill. 591, 629; *Kreitz v. Behrensmeyer* (1888), 125 Ill. 141, 198.

**Naturalization, misnomer in certificate.** An elector cannot be prevented from voting on account of a misnomer in his naturalization papers if he can prove his identity. *Behrensmeyer v. Kreitz* (1891), 135 Ill. 591, 626, 631.

**Naturalization, women.** An unmarried alien woman may claim American citizenship through the naturalization of her father during her minority. *Dorsey v. Brigham* (1898), 177 Ill. 250, 260.

Under the Woman's Suffrage Act of 1891, alien women who possessed the necessary qualifications as to age and residence and were married to American citizens at the time of voting were entitled to vote for school officers. *Dorsey v. Brigham* (1898), 177 Ill. 250, 260, 266.

Oral proof that a wife of foreign birth was not naturalized and the absence of a record or certifi-

cate of naturalization showing her husband's naturalization are insufficient to prove the wife's incompetency to vote and to overcome the presumption that she had voted legally and had not committed a crime. *Dorsey v. Brigham* (1898), 177 Ill. 250, 261, 262.

An alien woman who becomes naturalized by intermarriage with an American citizen does not lose her citizenship upon the death of her husband or the intermarriage with an alien. *Kreitz v. Behrensmeyer* (1888), 125 Ill. 141, 197, 198.

**Non compos mentis.** Those who vacillate easily, who have hallucinations and who are eccentrics are not mentally incapacitated from voting. *Clark v. Robinson* (1878), 88 Ill. 498, 502.

**Non compos mentis,** see *Qualifications of voter, mental incapacity.*

**Official ballot, initialing.** It is the duty of an elector to see that a ballot handed to him is properly initialed. *Berryman v. Megginson* (1907), 229 Ill. 238.

Party circle, see *Circle.*

**Pasters.** Judges of election may use pasters for names certified to fill a vacancy for which it is found impracticable to insert names on the ballot or to print a new ballot. (*Hurd's Stat. 1919, ch. 46, par. 299.*)

Pasters, see *Stickers.*

**Paupers.** A pauper by becoming a county charge does not forfeit his right to vote at the place of his residence. *Dale v. Irwin* (1875), 78 Ill. 170, 183.

Persons who are confined at a county poor house are under legal disability or restraint of others and are incapable of losing or gaining a residence and should vote in the township from which they come. *Clark v. Robinson* (1878), 88 Ill. 498, 506.

**Physical disability.** Intoxication is not a physical disability entitling a person to assistance in marking his ballot. (Hurd's Stat. 1919, ch. 46, par. 311.)

**Poll book, entries.** As each elector presents himself for voting, his name is entered upon the poll book by the clerks in regular succession and under the proper heading. (Hurd's Stat. 1919, ch. 46, par. 232.)

**Qualifications of voter, presumption.** An elector who is permitted to vote is presumed to have voted legally until a lack of qualifications or forfeiture of right is shown by the attacking party. *Welsh v. Shumway* (1908), 232 Ill. 54, 84.

Qualifications of voter, see Legislation, registration.

**Questioning voter.** Under the City Election Law, when a registered elector presents himself for voting he is asked his name and is given a ballot; and, if necessary, he may be questioned by one of the judges as to all of his voting qualifications, including the date when and place where last previously registered. (Hurd's Stat. 1919, ch. 46, par. 233.)

**Presidential electors, irregular ballots, voting machines.** A voter may vote an irregular ticket for presidential electors made up of the names of persons in nomination by different parties or partially of the names of persons so in nomination and partially of persons not in nomination by any party. (Hurd's Stat. 1919, ch. 46, par. 443.)

**Real estate ownership.** In drainage elections, the ownership of real estate of an elector must be bona fide and not acquired for the purpose of controlling the election. *Murdock v. Weimer* (1894), 55 Ill. App. 527, 529.

**Removal.** Under the City Election Law, a voter may be permitted to vote who moves thirty days previous to an election or primary to another place in the same precinct, except at a regular congressional election, and makes oath on the day of election before the judges of election that he is the identical person whose name appears upon the register at a specified other place in the precinct, gives the date of his removal and verifies his statements by two householders residing in the precinct. (Hurd's Stat. 1919, ch. 46, par. 211.)

**Representatives, primary.** Primary electors may cast three votes for one candidate for representative in the General Assembly or may distribute their votes, or equal parts thereof, among two or three candidates. (Hurd's Stat. 1919, ch. 46, par. 542.)

**Residence, abandonment.** Leaving the state without a definite or settled intention of becoming a

resident elsewhere is not an abandonment of one's residence. *Wilkins v. Marshall* (1875), 80 Ill. 74.

Leaving one's residence for another place or state, with only a conditional intention of acquiring a residence, does not constitute its abandonment so long as the intention remains conditional. *Welsh v. Shumway* (1908), 232 Ill. 54, 79.

So a person does not abandon his residence by removing most of his furniture to a new residence, but in good faith retaining possession of the old residence and sleeping in it until after election. *Welsh v. Shumway* (1908), 232 Ill. 54, 81.

Removing one's family to another state with no intention of remaining there permanently and not voting there is no abandonment of a residence in this state. *Carter v. Putnam* (1892), 141 Ill. 133, 139.

Residence, abandonment, see Public office, eligibility.

**Residence, change of.** A person will be regarded as having changed his residence if he rents a place and moves to it part or his entire goods, remains there and occupies it as a residence until his family joins him. *Carter v. Putnam* (1892), 141 Ill. 133, 137.

A person's residence is not changed if he rents a new place and removes a part of his goods to it but he and his family continue to reside at the old abode. Nor is there a change of residence of an unmarried man who is engaged in business in one



town, pays taxes and occasionally lives there and claims and treats that as his permanent abode, although he boards with his father at another town. *Carter v. Putnam* (1892), 141 Ill. 133, 137, 138.

**Residence, length of.** The requirement as to one year's residence in the state, ninety days in the county and thirty days in the election district applies to women who vote at school elections. *Collier v. Anlicker* (1901), 189 Ill. 34, 45.

More than thirty days' residence in the election district cannot be required of a voter under the present Constitution. *Rouse v. Thompson* (1907), 228 Ill. 522, 542.

**Residence, presumption.** Every person in law is regarded as having a residence or domicile somewhere, which continues until a new one is acquired. *Welsh v. Shumway* (1908), 232 Ill. 54, 77.

**Residence, temporary.** Voting once in another state when shown that it was done without right does not disqualify an elector from voting in this state. *O'Hair v. Wilson* (1888), 124 Ill. 351.

**Residence, town officers.** Residence in the town for thirty days next preceding a town election regardless of the length of time of residence in the particular election district, together with all the other qualifications necessary to being a legal voter entitle a person to vote for town officers at the polling place in which the voter actually resides. *People v. Markiewicz* (1907), 225 Ill. 563, 568, 569.

Residence, see Domicile.

**Sanitary district trustees.** In elections for trustees for districts organized under the Sanitary Districts Act of 1907, only voters residing within the limits of the district are allowed to vote and may cast one vote each for five or any less number of candidates. (Hurd's Stat. 1919, ch. 42, par. 217.)

Cumulative voting for trustees of sanitary districts created under the Desplaines and Illinois Rivers Sanitary Districts Act of 1889 is expressly forbidden by statute. (Hurd's Stat. 1919, ch. 24, par. 345.)

**Several offices for same person.** Voting for a person for two or more distinct offices at the same election, even if the offices are incompatible, does not create uncertainty or ambiguity in the ballot and is permissible. *Misch v. Russell* (1891), 136 Ill. 22, 31.

**Stickers or pasters, use of.** Neither pasters nor stickers can be used in voting for any candidate or candidates whose names are required to be printed upon an official ballot, except where made necessary to fill a vacancy occurring too late to include the name of the candidate upon the ballot, in which case the stickers can only be prepared and furnished by the proper election officer. *Roberts v. Quest* (1898), 173 Ill. 427.

No pasters or ballots prepared otherwise than is required by the Ballot Law is permissible. *Fletcher v. Wall* (1898), 172 Ill. 426, 432.

In voting for precinct committeeman, the use of pasters is permissible. (Hurd's Stat. 1919, ch. 46, par. 497.)

The use of stickers or pasters upon which the name of a candidate is written or printed is unlawful when voting for president of board of village trustees. *Jackson v. Winans* (1919), 287 Ill. 382, 390.

Except as to precinct committeemen, the entire ballot having a sticker or paster thereon is invalid, unless the sticker or paster was on the official ballot when it was furnished by the proper officer in accordance with section 12 of the Ballot Law. *McSorley v. Schroeder* (1902), 196 Ill. 99, 104, 107.

**Students.** Undergraduate students in a college town are disqualified to vote on account of residence unless they are self-supporting, are not subject to parental control, regard in good faith the college as their home, and have no positive and fixed intention of locating elsewhere. *Welsh v. Shumway* (1908), 232 Ill. 54, 88; *Dale v. Irwin* (1875), 78 Ill. 170, 182.

**Supporting affidavit, requirement.** A statutory requirement that an elector who qualifies to vote by affidavit shall also produce a supporting affidavit is reasonable. *Byler v. Asher* (1868), 47 Ill. 101, 105.

**Unregistered voters.** Persons may vote at a city election if their names appear on the poll list or register, or if they make a written affidavit stating

that they are entitled to vote and support it by another affidavit of a householder and registered voter in the district. (Hurd's Stat. 1919, ch. 46, par. 141.)

Women who marry after they have registered are permitted to vote upon making an affidavit of marriage. (Hurd's Stat. 1919, ch. 46, par. 234.)

**Voting booth, occupying.** A voter must not occupy the voting booth longer than five minutes when all voting booths are in use and there are other voters waiting. (Hurd's Stat. 1919, ch. 46, par. 310.)

**Voting machines.** No one but a voter and one voter at a time is permitted within the railing to the part of the room where the voting machine is situated. The voter is required to remain within the voting booth or compartment not longer than one minute and if he refuses to leave after that time, he may at once be removed. Neither the election judges nor anyone else is permitted to remain in any position or near any position that would permit anyone to see or ascertain how a voter votes or how he has voted. (Hurd's Stat. 1919, ch. 46, par. 437.)

An elector may lawfully express his choice by a voting machine that accommodates tickets of seven political parties and registers correctly every vote cast, enabling the elector to vote a straight ticket, a scratched ballot, a written and partly printed ticket, and for any person not nominated and whose name does not appear on the machine, and prevents voting

for any office more than once unless the law permits cumulative voting, in which case the voter can cumulate his vote. *Lynch v. Malley* (1905), 215 Ill. 574, 582.

Only such voting machines can be used as will enable the average voter, by a reasonable effort, to cast his vote in the particular election within the time allowed him by law. *People v. Taylor* (1913), 257 Ill. 192, 197.

**Writing in name.** An elector at a primary, general or special municipal election has the right to write in the names of any other candidates than those that appear on the ballot for mayor or commissioners and vote for them. (Hurd's Stat. 1919, ch. 24, par. 193 b 16.)

In expressing one's choice an elector is not limited to the candidates printed on the ballot but may write in the name of a candidate of his own selection and vote for him by making a cross opposite such a name or in the party circle. *Pierce v. People* (1902), 197 Ill. 432, 434; *Sanner v. Patton* (1895), 155 Ill. 553, 565; *Powers v. Baum* (1917), 277 Ill. 200.

Making a cross in a party circle includes a vote for a candidate whose name is written in a blank space under the party group of candidates. *Pierce v. People* (1902), 197 Ill. 432, 435; *Isenburg v. Martin* (1920), 293 Ill. 408, 414; *Sievers v. Hannah* (1921), 296 Ill. 593, 597.

**Writing in name, several tickets.** An elector may write in the name of a candidate of his choice under one of several tickets in which the name does not appear and vote for him. *McCreery v. Burnsmier* (1920), 293 Ill. 43, 53.

**Writing in office and name.** A voter may write in the name of an office as well as the name of a candidate for it when he is furnished by the election judges with a properly endorsed but blank ballot. *Patterson v. People* (1895), 65 Ill. App. 651, 655.

Writing in name, see Election contest, irregularities.

#### VOTING BY MAIL,

**Application for ballot, form.** Application for an official ballot to be voted by mail may be made in person or by mail to the officer in charge of furnishing ballots not less than ten nor more than thirty days prior to the date of election on a form furnished by such officer, substantially as follows:

##### Affidavit and application for ballot.

To be voted at the.....election in the  
.....precinct of the.....ward in the  
city or town of.....county of.....  
and state of Illinois.

State of..... }  
County of..... } ss.

I, do solemnly swear that I am a resident of the

.....precinct of the town of....., or  
of the.....ward in the city of.....,  
residing at.....in said city or town  
in the county of.....and state of Illi-  
nois; that I have lived at said address for.....  
months last past; (if the application is for a pri-  
mary election ballot, add "that I am affiliated with  
the Republican [or any other] party;") that I am  
lawfully entitled to vote in such precinct at a  
.....election (or primary) to be held therein on  
.....; that my business or duties  
are ....., for .....,  
(employer) ..... of .....  
street in the city of.....and state of  
....., and that in the course of  
my business or duties I expect to be absent from  
the said county of my residence at the city of  
....., state of ....., on the  
date of holding such election, and that I will have  
no opportunity to vote in person on that day.

I hereby make application for an official ballot or  
ballots to be voted by me at such election if I am  
absent from the said county of my residence, and  
I agree that I shall return said ballot or ballots to  
the official issuing the same in sufficient time for  
such official to deliver said ballot or ballots to the  
proper polling place prior to the closing of the polls  
on the date of the election.

.....  
Post office address to which ballot is mailed.  
.....

Subscribed and sworn to by.....who  
 is personally known to me, before me this.....  
 day of.....A. D.....

.....  
 Official capacity.

(Penalty clause set out in full.)

(Hurd's Stat. 1919, ch. 46, pars. 556, 557, 558.)

**Elections.** Voting by mail is permissible in special, general or primary elections for presidential or vice presidential electors, congressional, state, district, county, town, city, village, precinct or judicial offices, or upon questions of public policy. (Hurd's Stat. 1919, ch. 46, par. 555.)

**Marking ballot, returning and delivering envelope.** The absent voter appears before an officer authorized by law to administer oaths, exhibits to him the ballot unmarked, marks the ballot in his presence alone in a manner that the officer cannot see or know how the ballot is marked, folds the ballot in the same manner as ballots are folded for deposit in a ballot box, encloses it in the return envelope, securely seals it and subscribes to the affidavit on the return envelope upon which the officer executes his certificate; whereupon the voter mails the envelope, postage prepaid, or delivers it in person, if more convenient, to the officer who has issued the ballot in time by him to be redelivered to the proper polling place before closing the polls on election day. (Hurd's Stat. 1919, ch. 46, par. 560.)



**Reasons for.** Persons who are otherwise qualified electors, who are registered where registration is required and who expect to be absent from the county on the day of a primary or other election in the course of business or on account of duty may vote by mail. (Hurd's Stat. 1919, ch. 46, par. 555.)

### VOTING MACHINE COMMISSIONERS,

**Appointment, qualification, term of office.** The Governor appoints two mechanical experts who must not be members of the same political party and who, together with the secretary of state, constitute a board of voting machine commissioners for the term of four years. (Hurd's Stat. 1919, ch. 46, par. 432.)

**Compensation, state funds.** Each of the two mechanical experts on the voting machine commission are entitled to \$100 for his compensation and expenses in making an examination and report, which compensation cannot exceed \$1,500 and reasonable expenses in any one year, to be paid, if demanded, in advance by the person or corporation applying for such examination; all sums collected for examinations over and above the maximum salaries and reasonable expenses are turned into the state treasury. (Hurd's Stat. 1919, ch. 46, par. 432.)

**Vacancy.** In case of a vacancy in the office of secretary of state and until such a vacancy is filled, the Attorney General becomes and is a member of

the board of voting machine commissioners. (Hurd's Stat. 1919, ch. 46, par. 432.)

## VOTING MACHINES,

**Absent voters' ballot.** The provisions of the election laws relating to and that are not inconsistent with the Absent Voters' Act are in full force and effect in localities in which the voting machine method of voting has been adopted. (Hurd's Stat. 1919, ch. 46, par. 566.)

**Adoption, petition for submission.** The question of adopting voting machines in any city, village, incorporated town, county, precinct, election district or other civil division of the state may be submitted at a general election upon petition signed by ten per cent of the voters of the particular civil division of the state seeking adoption, etc., addressed to their election officers at least sixty days before such election or the proposition may be submitted at any general or special election by the officer or officers charged with the duty of providing election supplies in any such civil division of the state; a majority of the electors of such election district voting upon the proposition is necessary to its adoption. (Hurd's Stat. 1919, ch. 46, par. 430.)

**Discontinuance.** The use of a voting machine may be discontinued on resubmission of the question at any subsequent election and a vote in favor of discontinuance. (Hurd's Stat. 1919, ch. 46, par. 430.)

**Examination, application.** Any person or corporation who owns or who is interested in any voting machine may apply to the board of voting machine commissioners to examine such voting machine and to report on its accuracy, efficiency, capacity and safety. (Hurd's Stat. 1919, ch. 46, par. 432.)

**Examination, report, re-examination.** For the purpose of examining a voting machine, the members of the board of voting machine commissioners may go to any point in the state, but they cannot be compelled to make such examination at any place other than the capitol of the state. Upon making an examination, the voting machine commissioners must state in their report whether or not the kind of machine so examined complies with the requirements of the Voting Machine Act and if it can be safely used by voters at elections under the statutory conditions. No re-examination or reapproval is necessary in case any improvement or change has been made that does not impair its accuracy, efficiency, capacity or safety. (Hurd's Stat. 1919, ch. 46, par. 432.)

**Experiments.** Without formal adoption, the authorities of any city, village, incorporated town, county, precinct election district or other civil division may provide for the experimental use of any machine which it might lawfully adopt. (Hurd's Stat. 1919, ch. 46, par. 433.)

**Number furnished, custody.** A voting machine in complete working order is provided for each poll-

ing place when the voting machine system is in use therein; which machine must be preserved and kept in repair by the local authorities having the custody of such machine and of the furniture and equipment of the polling place. (Hurd's Stat. 1919, ch. 46, par. 436.)

**Payment.** Upon the adoption and lease or purchase of a voting machine, the local authorities may provide for its payment by issuing bonds, certificates of indebtedness or other obligations with or without interest and payable at such time or times as the authorities may determine, which obligations cannot be issued or sold at less than par. (Hurd's Stat. 1919, ch. 46, par. 434.)

**Purchase or leasing.** Voting machines for any or all of the election precincts may be purchased by the election officers at the expense of the city, village, incorporated town, county, election precinct or district or other civil division of the state when the voting machine system has been adopted and the board of voting machine commissioners have made and filed a report certifying that they have examined such machine; that it affords each elector an opportunity to vote in absolute secrecy; that it enables each elector to vote a straight party ticket; that it enables each elector to vote a ticket selected in part from the nominees of one party, in part from the nominees of any or all other parties, and in part from an independent nomination, in part of persons not in nomination by any party or upon any

independent ticket; that it enables each elector to vote a written or printed ballot of his own selection, for any person for any office for which he may desire; that it enables each elector to vote for all candidates for whom he is entitled to vote, and prevents him from voting for any candidate for any office more than once, unless he is lawfully entitled to cast more than one vote for one candidate and in that event permits him to cast only as many votes for that candidate as he is by law entitled, and no more; that it prevents the elector from voting for more than one person for the same office, unless he is lawfully entitled to vote for more than one person therefor, and in that event permits him to vote for as many persons for that office as he is by law entitled, and no more; that such machine will register correctly by means of exact counters every vote cast for the regular tickets thereon; that it has the capacity to contain the tickets of seven political parties with the names of all the candidates thereon, together with all propositions to be voted upon; that it is so constructed that the names of all candidates for presidential electors do not occur thereon, but in lieu thereof, one ballot label in each party column or row contains only the words "Presidential Electors," in which case the elector may vote for any person or persons he may choose for presidential electors, preceded by the party name; that all votes cast on the machine on a regular ballot or ballots can be registered; that voters may, by means

of irregular ballots or otherwise, vote for any person for any office, although such person may not have been nominated by any party and his name may not appear on such machine; that when a vote is cast for any person for any such office, when his name does not appear on the machine, the elector cannot vote for any name on the machine for the same office; that each elector can understandingly and within the period of one minute cast his vote for all candidates of his choice; that the machine is provided with a lock or locks by the use of which any movement of the voting or registering mechanism is absolutely prevented so that it cannot be tampered with or manipulated for any fraudulent purpose; that the machine is susceptible of being closed during the progress of the voting so that no person can see or know the number of votes registered for any candidate; which machines must be first guaranteed in writing that they will be kept in good working order for five years, without additional cost, which guarantee should be protected by a bond conditioned to that effect. (Hurd's Stat. 1919, ch. 46, par 430.)

VOTING PLACE, see POLLING PLACE.

VOTING DISTRICTS, see ELECTION PRECINCTS.

WARD COMMITTEEMAN,

**Election.** In cities of 200,000 population and over, ward committeemen will be elected at the April primaries in 1922 and every two years thereafter. (Hurd's Stat. 1919, ch. 46, par. 460.)

**Nominating petition, signers, filing.** At least half of one per cent of the candidate's primary ward electors' signatures are necessary to a nominating petition for ward committeeman; which petition is filed in the office of the county clerk between sixty and forty days before the primary. (Hurd's Stat. 1919, ch. 46, pars. 479, 481.)

**Nomination.** Candidates for ward committeeman are nominated at a primary. (Hurd's Stat. 1919, ch. 46, par. 452.)

**Number.** Chicago is the only city in the state thus far having 200,000 population and over. It has 35 wards and therefore 35 committeemen.

WARRANT, see OFFENSES AND PENALTIES.

WATER DISTRICT BOARD,

**Election.** In cities, towns or villages in counties bordering on Lake Michigan which have organized water districts, one trustee of such district is elected at every regular county election on a board consisting of five trustees. (Hurd's Stat. 1919, ch. 24, par. 723.)

**Qualification.** A trustee of a water district organized under the Water Districts Act of 1911 can neither be directly nor indirectly interested in any contract, work or business of the district, or the sale of any article the expense, price or consideration of which is paid by the district; nor in the purchase of any real estate or other property belonging to it or which shall be sold for taxes or assessments. (Hurd's Stat. 1919, ch. 24, par. 723.)

**Term of office.** Trustees of water districts organized under the Water Districts Act of 1911 are elected for a term of five years and until their successors are elected and qualified. (Hurd's Stat. 1919, ch. 24, par. 723.)

#### WATER RESOURCE ADVISORS,

Five persons compose the Board of Water Resource Advisors. (Hurd's Stat. 1919, ch. 24½, par. 6.)

Appointment and term of office, see Governor, civil administrative officers.

#### WATERWAYS SUPERINTENDENT,

Appointment and term of office, see Governor, civil administrative officers.

**Interstate Harbor Commission.** The superintendent of the division of waterways is ex officio a member of the Interstate Harbor Commission. (Laws, 1921, p. 37.)

#### WITNESSES,

**How a person voted, personal privilege.** A legal voter cannot be required to state for whom he voted, but a person who is not a legal voter may be asked to state for whom he voted after he has testified that he had voted and has failed to claim his personal privilege. *Buckingham v. Angell* (1909), 238 Ill. 564, 566, 567.

**Nature of vote.** Judges who have assisted a voter to vote are incompetent to prove how the elector voted. *Welsh v. Shumway* (1908), 232 Ill. 54, 85.



## WORDS AND PHRASES.

**Abstract.** The term abstract is used in the City Election Law in the same sense as the final result of an election. (Hurd's Stat. 1919, ch. 46, par. 249.)

**Alien enemy.** Justice Boggs defines an alien enemy as one who owes allegiance to an adverse belligerent nation. *Dorsey v. Brigham* (1898), 177 Ill. 250, 256.)

**All other officers.** The phrase "all other officers" in section 98 of the Election Law means "all other like officers" of any public corporation, whether municipal or quasi municipal, for the contest of whose election no provision is made, and includes trustees of pleasure driveway and park districts. *Baker v. Shinkle* (1911), 249 Ill. 154, 159.

**Ballot.** The word "ballot" as used in section 2, article VII of the Constitution of 1870, means any manner of voting which preserves its secrecy and is not necessarily restricted to a slip, sheet of paper, parchment or paper ticket. *Lynch v. Malley* (1905), 215 Ill. 574, 578, 580.

**Ballots and returns.** The return is a statement of the count or canvass of the judges of election and is prima facie evidence of the result of the election; whereas the ballots are the original evidence of the votes cast and are better evidence of the result if properly preserved. *Graham v. Peters* (1910), 248 Ill. 50, 53.

**Basement.** The floor below the level of the street or ground is regarded as the "basement" under the

City Election Law: (Hurd's Stat. 1919, ch. 46, par. 197-5 [1].)

**Bond for costs.** The security for costs provided for by section 1 of the Costs Act is not a bond for costs because the statutory form for security does not require a seal. *People v. Jenner* (1919), 214 Ill. App. 321, 324.

**Bribery.** The offense of bribery in elections involves moral turpitude and is deemed infamous within the meaning of Const., 1870, art. 7, § 7. *Christie v. People* (1903), 206 Ill. 337, 341.

**Candidate.** Any candidate for office is a legal candidate and entitled to have his name written on the ballot by those who are willing to vote for him, whether he has been nominated by a political party or not. *Christie v. People* (1903), 206 Ill. 337, 341.

**Canvass.** The count of the ballots made by the judges and clerks of election is called the canvass. *Caldwell v. McElvain* (1900), 184 Ill. 552, 554.

Canvass, nature, see Canvassing votes.

**Citizen.** The word "citizen" means any person, whether man, woman or child, who by birth, naturalization or otherwise, belongs to an independent political society, such as a state, kingdom or empire, is subject to its laws, and is entitled to its protection. *Blanck v. Pausch* (1885), 113 Ill. 60, 64.

**City election.** The term "city election" applies to any municipal election held in a city, village or incorporated town. (Hurd's Stat. 1919, ch. 46, par. 289.)

**City office or officer.** The words "city office or officer" refer to an office to be filled or an officer to be voted for by the qualified electors of the entire city, including aldermen. (Hurd's Stat. 1919, ch. 46, par. 455.)

This definition alone is broad enough to include the chief justice and associate judges, the clerk and the bailiff of the municipal court of Chicago. It may, however, be further fortified by taking into consideration section 8 of the Municipal Court Act which gives authority to the city council to fix the salaries of municipal court judges within a certain limit, section 12 of the same act which authorizes the city council to increase the number of judges of the court under certain conditions, and the fact that the chief justice, associate judges, the clerk and the bailiff of the municipal court are municipal officers—a term which includes "city officers."

**City or municipal court.** The terms "city court" and "municipal court" refer to the courts of a municipality in which they are established. *People v. Olson* (1910), 245 Ill. 288, 294.

**Compact.** The word "compact" as used in Const. 1870, art. 4, § 6, means closely united. *People v. Thompson* (1895), 155 Ill. 451, 478.

**Congressional office or officer.** The words "congressional office or officer" in paragraph 455 (5) include delegates and alternate delegates to the national nominating convention and do not include electors of President and Vice President, as the

latter are chosen in state convention. (Hurd's Stat. 1919, ch. 46, par. 455.)

**Contempt.** The power to punish for contempt does not belong exclusively to the judiciary. *Sherman v. People* (1904), 210 Ill. 252, 257.

**Contestee.** The defendant in a contested election is the contestee.

**Corporate authorities.** The term "corporate authorities" within the meaning of Const., 1870, art. 9, § 9, are those who are either directly elected by the population to be taxed or appointed in a mode having their assent. *Wetherell v. Devine* (1886), 116 Ill. 631, 636.

Election commissioners are corporate authorities under the foregoing definition. *Wetherell v. Devine* (1886), 116 Ill. 631, 636.

**Corporate purposes.** Election expenses in municipalities are incurred in pursuance of a corporate purpose within the meaning of section 10, article IX, of the present Constitution. *Wetherell v. Devine* (1886), 116 Ill. 631, 637.

Cost of election, see Corporate purposes.

**Council.** The term "council" used in the several provisions of the Commission Form of Government Act is synonymous with city council or president and board of trustees. (Hurd's Stat. 1919, ch. 24, par. 193 b 58.)

**County affairs.** The term "county affairs" applies to those affairs which relate to the county in its

organic or corporate capacity and included within its governmental or corporate powers. *People v. Board of Election Commissioners* (1906), 221 Ill. 9, 24.

An act which applies to a circuit constituting one or several counties or to a district composed of many counties does not regulate county affairs within the meaning of Const., 1870, art. 4, § 22. *People v. Sweitzer* (1918), 282 Ill. 171, 176.

**County board.** The term "county board" in sections 29 and 30 of the General Election Law refers to the governing body of all counties, whether composed of supervisors or of county commissioners. *Rexroth v. Schein* (1903), 206 Ill. 80, 90.

**County committee.** The term "county committee" and "county central committee" mean the same thing.

**County court or court.** The words "county court" or "court" used in connection with county seat elections mean the county court for the transaction of probate and other judicial business or the county court for the transaction of county business. (Hurd's Stat. 1919, ch. 34, par. 107.)

**County judge.** The terms "county judge" and "judge of the county court" in articles I and II of the City and Village Act, are used interchangeably and synonymously. *People v. Shaw* (1912), 253 Ill. 597, 600.

**County office or officer.** The terms "county office" or "county officer" have reference to an office

to be filled or an officer to be voted for by the qualified electors of the entire county, members of the board of assessors and county commissioners of Cook county. (Hurd's Stat. 1919, ch. 46, par. 455.)

The county officers under the present Primary Law are clerk of the circuit court (including clerk of the circuit court of Cook County), clerk of the criminal court of Cook County, clerk of the superior court of Cook county, coroner, county auditor, county clerk, county commissioner, county commissioner of Cook County, county judge, county superintendent of schools, county surveyor, county treasurer, member of board of assessors, member of board of review, president of the county board of Cook County, probate clerk, probate judge, recorder of deeds, sheriff and state's attorney.

**Day.** The word day in section 79 of the General Election Law means the natural day of twenty-four hours, commencing and terminating at midnight, and not only the hours during which the polls are open. *Aimo v. People* (1905), 122 Ill. App. 398, 400.

In a legal sense a day is twenty-four hours. *Zimmerman v. Cowan* (1883), 107 Ill. 631, 637.

**Distinguishing mark.** A mark which will separate and distinguish a particular ballot from the other ballots cast at an election so as to indicate who cast it and thereby evade the law as to secrecy is a distinguishing mark prohibited by statute.

Pierce v. People (1902), 197 Ill. 432, 436; Kerr v. Flewelling (1908), 235 Ill. 326, 331.

**District and precinct.** The precise meaning of the words "election district" or "election precinct" must be governed in each instance by the connection in which they are used. Sometimes a "district" is a subdivision of a "precinct," and at other times "precinct" is a part of a "district." The terms "precinct" and "district" are also used interchangeably. People v. Markiewicz (1907), 225 Ill. 563, 568.

**Dominant political parties.** Parties which cast the highest and next highest number of votes for Governor or a state officer at the last preceding election are regarded as the dominant political parties.

**Election.** The word "election," as used in the City Election Law, refers to elections for state or United States public officers and propositions submitted and held within a city, village or incorporated town that has adopted the City Election Law. (Hurd's Stat. 1919, ch. 46, par. 277.)

The term "election" means a general election as distinguished from a special or a primary election. (Hurd's Stat. 1919, ch. 46, par. 455.)

The term "election" includes a primary held for the nomination of candidates. People v. Fox (1920), 294 Ill. 263, 268.

The words "any election" used in Const. 1870, art. 7, mean elections provided for by the Constitution and not elections for offices created by statute,

irrespective of the Constitution. *Scown v. Czarnecki* (1914), 264 Ill. 305, 312.

A law providing for the nomination of candidates for public office at a primary is an election law and all primaries held thereunder are elections within the meaning of the Constitution. *People v. Strassheim* (1909), 240 Ill. 279, 286, 287.

**Election contest.** An election contest is not a case nor a civil case within the meaning of the City Court Act (Hurd's Stat. 1919, ch. 37, par. 240), but it is a statutory proceeding for the recanvassing of the votes cast at an election and the ascertainment of its true result by counting the legal votes after the illegal ballots have been rejected. *Brueggemann v. Young* (1904), 208 Ill. 181, 186.

A proceeding by quo warranto is not strictly an election contest; for, the remedies of quo warranto and election contest are distinct, the one belonging to the people in their right of sovereignty, the other to the elector in his individual capacity. *Snowball v. People* (1893), 147 Ill. 260, 266.

A proceeding to contest an election is purely statutory and is neither a case at law nor a suit in chancery. *Douglas v. Hutchinson* (1899), 183 Ill. 323, 328.

A contest of an election before a city council is a ministerial proceeding and its finding is not a judgment. *Lyons v. Becker* (1916), 272 Ill. 333, 336.

**Election district.** The term "election district" as used in Const., 1870, art. 7, § 1, applies to established school districts and not to such as are being



formed. *People v. Simpson* (1897), 168 Ill. 127, 133.

**Election supplies.** The term "election supplies," when applied to cities under the City Election Law, includes ballot boxes, registry books, poll books, tally sheets, blanks and stationery of every description for the registration of voters and the conduct of elections. (*Hurd's Stat.* 1919, ch. 46, par. 174.)

**Elector.** An elector is one who has the necessary qualifications as to age and length of residence in the township, county and state. The mere fact that a person resides at a certain place does not constitute him an elector. *Adams v. McCormick* (1905), 216 Ill. 76, 78.

The term "elector" or "qualified elector" refers to an adult person who has a constitutional or statutory right to vote for or elect a public officer. *Beardstown v. Virginia* (1875), 76 Ill. 34, 39, 63.

The term "elector" is not synonymous with the word "citizen." *Blanck v. Pausch* (1885), 113 Ill. 60, 64.

**Employees.** The term "employees" as used in the Public School Employees' Pension Fund Act (ch. 122, par. 423a et seq.) refers only to engineers, janitors and office employees in the employ of the board of education earning over \$49.00 per month and who voluntarily accept and agree to comply with the provisions of the act.

**Final jurisdiction.** In conferring "final jurisdiction" upon a court, the jurisdiction of all other

courts subsequent to a determination in that court is excluded. *Saylor v. Duel* (1908), 236 Ill. 429, 432.

**Final order.** An order denying a motion to tax costs is final in the sense that it is appealable. *Brueggemann v. Young* (1906), 128 Ill. App. 200, 202.

**Free and equal.** The term "free and equal" elections in the Bill of Rights refers to freedom from intimidation or improper influence in the exercise of an elector's judgment or conscience when casting his ballot and to an equal and indiscriminate effect of his vote upon the result of the election. *People v. Hoffman* (1886), 116 Ill. 587, 599.

Regulations which tend reasonably to secure the integrity, secrecy and fairness of the ballot, bearing equally on all voters, are "free and equal" within the meaning of Const., 1870, art. 2, § 18, although they interfere to some extent with the convenience of the voter. *People v. Czarnecki* (1912), 256 Ill. 320, 326, 327.

**General election.** This term applies to elections held for the choice of national, state, judicial, district or county officers, whether for the full or a part of the term. (*Hurd's Stat.* 1919, ch. 46, par. 289.)

A general election is one held throughout the state or certain subdivisions. *People v. Pressler* (1912), 168 Ill. App. 291, 292.

An election for county commissioner is a general

election within section 5 of the Ballot Law (1919-20 Atty. Gen. Rep., 139.)

A judicial election is a general election within naturalization laws forbidding the holding of a naturalization hearing within thirty days of a general election.

**General law.** A law is general within the meaning of the last clause of Const., 1870, art. 4, § 22, if it affects every person who is brought within the relations and circumstances provided for, or if it extends to all persons who do or omit to do an act within defined territorial limits; and it is not necessary that the law shall operate upon every person in the state, nor that it shall apply equally to all parts of the state. *People v. Hoffman* (1886), 116 Ill. 587, 597.

**Householder.** This word, as used in the City Election Law, means the chief or head of a family with whom he resides and whom he supports. (Hurd's Stat. 1919, ch. 46, par. 277.)

**Infamous crime.** Bribery in elections is an infamous crime within the meaning of Const., 1870, art. 7, § 7. *Christie v. People* (1903), 206 Ill. 337, 341.

**Inspector.** This term applies to election precincts in counties not under township organization and is used in the General Election Law in the same sense as judge of election.

**Irregularities.** Irregularities in elections invite and conceal fraud. *People v. Graham* (1915), 267 Ill. 426, 442.

**Judicial convention.** The term "judicial convention" has reference to a judicial district or a judicial circuit convention.

**Judicial office or officer.** The words "judicial office" or "judicial officer" refer to judges of the Supreme and circuit courts and judges of the superior court of Cook County. (Hurd's Stat. 1919, ch. 46, par. 455.)

The term "judicial office or officer," as defined in section 4 of the Primary Election Law of 1910, is made inoperative and ineffective by section 6 of the same act, which affords too short a period for the holding of judicial primaries. *People v. Sweitzer* (1915), 266 Ill. 459, 468.

**Judicial power.** The power which adjudicates upon the rights of citizens and to that end construes and applies the law is judicial power. *Mitchell v. Lowden* (1919), 288 Ill. 327, 341.

**Jurisdiction.** The power vested by law in a tribunal to hear and determine causes properly coming before it is called jurisdiction. *Saylor v. Duel* (1908), 236 Ill. 429, 432.

**Legal voter.** If a person is otherwise qualified, he is a legal voter within the meaning of section 48 of the School Law regardless of the length of time he has resided within the territory proposed for a new school district. *People v. Simpson* (1897), 168 Ill. 127, 133.

The term "legal voters" within the meaning of the Local Option Act, ch. 43, par. 26, has reference to those who at the time of the submission of the proposition are legal voters in the political subdivision affected. *Alberts v. Town of Danforth* (1917), 281 Ill. 521, 524.

**Legislative power.** That power which enacts laws or declares what the law shall be is the legislative power. *Mitchell v. Lowden* (1919), 288 Ill. 327, 341.

**Majority of votes cast, etc.** The phrase, "majority of votes cast," etc., in Const., 1870, art. 4, § 18, refers to a majority of the voters voting and not to the votes cast at an election for members of the General Assembly, which is according to the spirit although not the letter of the provision. *Mitchell v. Lowden* (1919), 288 Ill. 327, 334.

**Managing committees.** The managing committees of a political party are the state central committee, the congressional committee, the county central committee, the city central committee, the precinct or ward committee, except in precincts or wards of cities or villages of two hundred thousand or more inhabitants, and such other committees as it may appoint. (Hurd's Stat. 1919, ch. 46, par. 459.)

**Manner.** The word "manner" as used in Const., 1870, art. 8, § 5, has reference to the usual, ordinary or necessary election details that the Legislature

may provide, and not to the qualification of voters. *People v. English* (1892), 139 Ill. 622, 630.

**Ministerial power.** The term "ministerial power" and "executive power" mean the same when applied to public officers. *Lyons v. Becker* (1916), 272 Ill. 333, 336.

**Misbehavior.** The term "misbehavior" as used in section 13 of the City Election Law refers only to such conduct as relates directly to official duty. *Sherman v. People* (1904), 210 Ill. 552, 560.

**Miscellaneous expenses.** The cost of delivering election supplies to the various election precincts for a judicial election is a "miscellaneous expense" within the meaning of the City Election Law, art. 7, § 1. *Johnson v. Winnebago County* (1912), 256 Ill. 276, 278.

The term "miscellaneous expenses" within the meaning of City Election Law, art. 7, § 1, includes the cost of the delivery of election supplies by order of the election commissioners. *Johnson v. County of Winnebago* (1912), 168 Ill. App. 293, 294.

Municipal court, see City, etc.

**Municipal government.** The term "municipal government" embraces the legislative, executive and judicial powers of government. *People v. Olson* (1910), 245 Ill. 288, 293.

**Municipal officers.** Election commissioners who are appointed to a definite term of office in a mode to which a municipality gives its assent, are munici-

pal officers within the meaning of the Const. 1870, art. 9, which forbids the increase of salary or compensation of municipal officers during their term of office. *People v. Cook County Commissioners* (1913), 260 Ill. 345; *People v. Election Commissioners* (1913), 177 Ill. App. 58.

**Office.** The term "office" implies a delegation of a portion of the sovereign power of the government to the person filling the office. *Olson v. Scully* (1921), 296 Ill. 418, 421.

**Officers.** The term "officers" used in the Const., 1870, art. 6, § 32, applies to officers mentioned or created by the Constitution and not to those created by statute under constitutional authority. *People v. Olson* (1910), 245 Ill. 288, 291, 295.

**Or.** The disjunctive "or" is often used in a statute in the sense of to-wit, or that is to say. *People v. Nordheim* (1881), 99 Ill. 553, 560.

**Permanent abode.** The term "permanent abode" within the meaning of the statute means a domicile or home which a party does not presently intend to change, but is at liberty to leave as his interest may dictate. *Dale v. Irwin* (1875), 78 Ill. 170, 181; *Moffet v. Hill* (1889), 131 Ill. 239, 247.

**Political division.** The term "political division" means the largest political division in which qualified voters may vote. (Hurd's Stat. 1919, ch. 46, par. 292a.)

**Political party.** Within the meaning of the General Primary Act, 1910, § 2, a political party is one which at a general election for state, county, congressional, city, village, town or any other municipal officers, except township and school district, had cast at the next preceding primary more than two per cent of the entire vote cast in the state, county, congressional district, city, village, or town, as the case may be. (Hurd's Stat. 1919, ch. 46, par. 453.)

Under the Legislative Primary Law the term "political party" refers to a party which at the next preceding election for Governor polled at least two per cent of the entire vote cast in the state. (Hurd's Stat. 1919, ch. 46, par. 533.)

A political party is a purely voluntary organization of individual voters having the same political beliefs and combined for the purpose of making their principles effective in the administration of the government. *People v. Deneen* (1910), 247 Ill. 289, 318.

**Political subdivision.** A town under the Township Organization Act is a political subdivision of the state government. *Alberts v. Town of Danforth* (1917), 281 Ill. 521, 525.

**Precinct.** The word "precinct" signifies a voting district which has been or will be established by law within which qualified electors vote at one polling place. (Hurd's Stat. 1919, ch. 46, par. 455.)

**Primary.** The word "primary" has reference to the primary election provided for in the General Primary Law. (Hurd's Stat. 1919, ch. 46, par. 455.)



**Proclamation.** The word "proclamation" in the Ballot Law, § 27, means the same as "announcement." *Dooley v. Van Hohenstein* (1898), 170 Ill. 630, 634.

**Public agency.** County boards and boards of election commissioners are public agencies but county central committees are not. *Rouse v. Thompson* (1907), 228 Ill. 522, 537, 538.

**Public measure.** The term "public measure" in the Australian Ballot Law, § 16, refers to measures that concern the public as distinguished from private interests, whether they affect part or the whole people of the state. *Union County v. Ussery* (1893), 147 Ill. 204, 209.

**Public office.** In this state a public office is a mere public agency and is not a franchise or an incorporeal hereditament. *Kreitz v. Behrensmeyer* (1894), 149 Ill. 496, 503.

**Public office, nature.** An officer has no vested right in the office. *Lyons v. Becker* (1916), 272 Ill. 333, 338.

**Public officer.** A judge of a court is a public officer within the meaning of Const. 1870, art. 4, § 28. *People v. Knopf* (1902), 198 Ill. 340, 346.

**Regular county election.** The phrase, "regular county election" is evidently used to distinguish from a special county election and refers either to the November general election, at which county

judges and other officers are elected, that will occur in 1922 and every four years thereafter, or to the general election to be held in 1924 and quadrennially thereafter, at which coroners and other officers are to be elected.

The term "regular county election" as used in Hurd's Stat. 1919, ch. 24, par. 345, refers to any regular county election as distinguished from a special election for county office to fill a vacancy.

Result, see Abstract.

**Returns.** The certificate of the officers conducting the election entered in the poll books, the list of the voters and one of the tally lists constitute the returns. *People v. Ruyle* (1879), 91 Ill. 525, 528; *Caldwell v. McElvain* (1900), 184 Ill. 552, 554.

**Road clerk.** In road districts in counties not under township organization the clerk of the district is called a road clerk or a district clerk. (1917-18 Atty. Gen. Rep., 265-6; Road and Bridge Act, §45.)

**Road district.** In counties not under township organization, the road district and in counties under township organization, the town have the same powers and jurisdiction in road and bridge matters. (Hurd's Stat. 1919, ch. 121, par. 40.)

**Sanitary district officers.** The president of the board of trustees and the trustees of sanitary districts are the sanitary district officers under the present Primary Law.

**Scratched ballots.** These are tickets in which the name of a person proper to be voted for has been omitted or erased. (Hurd's Stat. 1919, ch. 46, par. 238.)

Security for costs, see Bond for costs.

**Senatorial office or officer.** The words "senatorial office or officer" refer to state senator or representative in the General Assembly, according to context. (Hurd's Stat. 1919, ch. 46, par. 534.)

**Special primary and election.** The primary and the election called in pursuance to a petition for a recall under the commission form of government is considered a special primary and a special election in so far as the registration of voters and the revision of the registry are concerned. (Hurd's Stat. 1919, ch. 24, par. 193b 42h.)

**Special election.** A special election is one held under special circumstances. *People v. Pressler* (1912), 168 Ill. App. 291, 293.

A special election does not change its character because it is held at the same time and in the same manner as another election. *People v. Brown* (1901), 189 Ill. 619, 623.

**Special legislation.** A law general in character is not local or special within the meaning of Const. 1870, art. 4, § 22, although made to depend for its adoption upon certain classes of municipalities or upon the happening of some future contingency. *People v. Hoffman* (1886), 116 Ill. 587, 595.

**Split ballots.** This is a kind of a ticket which contains names partly from one kind of ballot and partly from another. (Hurd's Stat. 1919, ch. 46, par. 238.)

**State committee.** The term "state committee" means the same thing as the state central committee.

**State office or officer.** The term "state office" or "state officer" applies to an office to be filled, or an officer to be voted for by qualified electors of the entire state and comprises the Governor, Lieutenant Governor, secretary of state, auditor of public accounts, state treasurer, attorney general, superintendent of public instruction, clerk of the Supreme Court, United States Senator and Congressman at large. (Hurd's Stat. 1919, ch. 46, par. 455.)

The words "state officers" as used in Australian Ballot Law, § 10, par. 297, embrace only those officers of the state who are elected on a general ticket by the electors of the entire state, and do not include members of the General Assembly. *People v. Baird* (1897), 164 Ill. 533, 536.

**Straight ballots.** Those tickets or ballots which are alike and have no name or erasure or are in no manner different from others are straight ballots. (Hurd's Stat. 1919, ch. 46, par. 238.)

**Teacher.** The term "teacher" as used in the Illinois State Teachers' Pension and Retirement Fund Act includes any teacher, teacher secretary, substi-

tute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent who teach or are employed in the public schools of the state. (Hurd's Stat. 1919, ch. 122, par. 613.)

**Town.** The word "town" means an incorporated town. (Hurd's Stat. 1919, ch. 46, par. 455.)

**Town.** The word "town" as used in the Constitutions of 1818 and 1848 and the Kaskaskia Act of 1851, is synonymous with the word "parish." *Stead v. Commons of Kaskaskia* (1910), 243 Ill. 239, 251.

Town, see Road district.

**Town office or officer.** The words "town office" or "officer" refer to an office to be voted for by the qualified electors of the entire town and include supervisor and assistant supervisor. (Hurd's Stat. 1919, ch. 46, pars. 452, 455.)

**Township.** A town under township organization is a civil as well as political subdivision of the state government. *Alberts v. Town of Danforth* (1917), 281 Ill. 521, 525.

**Township officers.** Under the present Primary Law, in townships that are coextensive with cities and in incorporated towns, the township officers are the supervisor and assistant supervisor. (Hurd's Stat. 1919, ch. 46, par. 452.)

**Township treasurer.** The term township treasurer as used in School Law, § 67, means school treasurer. (Hurd's Stat. 1919, ch. 122, par. 67.)

**Treats.** The word "treats" in Commission Form of Government Act, § 20, par. 193 b 20, means the food, drink; tobacco or drugs requested; offered, given or received in treating or for entertainment of a person or persons. (Hurd's Stat. 1919, ch. 24, par. 193 b 58.)

**Uniform.** The word "uniform" as used in the Federal requirement concerning the establishment of uniform naturalization laws has reference to a mode or manner of naturalization which shall have a uniform operation in all the states that may operate upon a general class of persons, extending to all of that class who are in the same situation or circumstances. *Dorsey v. Brigham* (1898), 177 Ill. 250, 258.

**Unlawful acts, nature.** Unlawful acts under the City Election Law are alike criminal, whether committed with reference to candidates or questions or propositions. (Hurd's Stat. 1919, ch. 46, par. 277.)

**Vacancy.** The term "vacancy" as used in General Election Law, § 133, refers to the vacancies as defined in section 125 of that act. *People v. Opel* (1900), 188 Ill. 194, 204.

**Verified petition.** The term "verified petition" in Anti-saloon Territory Act, § 19, par. 43, ch. 43, Hurd's Stat. 1919, means positive verification and not a verification upon information and belief. *People v. Jenner* (1919), 214 Ill. App. 321, 323.

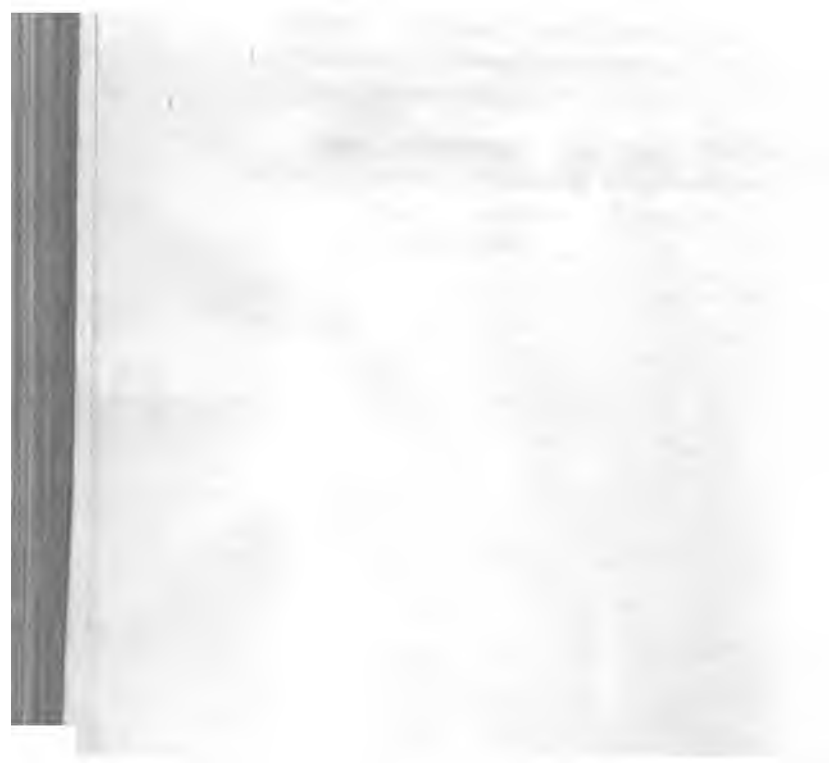
**Village office or officer.** The term "village office" or "officer" refers to an office to be filled or an officer to be voted for by the qualified electors of the entire village. (Hurd's Stat. 1919, ch. 46, par. 455.)

**Ward.** The term "ward" means a division of a city for which aldermen are elected. (Hurd's Stat. 1919, ch. 46, par. 460.)

**Written statement.** The term "written statement," as used in Township Organization Act, art. 7, §7, means certificate. *People v. Nordheim* (1881), 99 Ill. 553, 560.









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